



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Damon Jeter	Gwendolyn Kennedy	Greg Pearce (Chair)	Jim Manning	Seth Rose
District 3	District 7	District 6	District 8	District 5

**APRIL 26, 2011
5:30 PM**

2020 Hampton Street, Columbia, South Carolina

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: March 22, 2011 [pages 5-7]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Mass Transit Funding [pages 9-10]
3. Adopt the State's travel policy and per diem [pages 12-21]

4. CDBG and HOME Funding Process [pages 23-25]
5. Central Services Mail and Print Operations Information [pages 27-31]
6. Codification of the 2008 edition of the National Electrical Code and the 2006 edition of the International Energy Conservation Code [pages 33-37]
7. Contract Approval with Palmetto Posting, Inc. [pages 39-53]
8. Execution of an agreement naming Richland County as the Administering County for the 5th Circuit Public Defender [pages 55-62]
9. Motion to Adhere to Grant Deadlines as stated in Grant Program Guidelines [pages 64-67]
10. Organizationally place the County Assessor's Office under the County Administrator [pages 69-71]
11. Policy to Address Budgets of Newly Elected Officials [pages 73-74]
12. Policy to Address Mid-Year Agency Budget Amendments [pages 76-77]
13. Request to transfer the VAWA Criminal Domestic Violence grant from Court Administration to Solicitor's Office [pages 79-80]
14. Revision to Richland County Employee Handbook to Expand Groups Protected from Discrimination [pages 82-84]
15. Richland County Transportation Study Commission Funding [pages 86-88]
16. Temporary lease for the use of the Curtiss-Wright Hangar at Hamilton-Owens Airport [pages 90-99]
17. To adopt a public accommodations ordinance consistent with the City of Columbia [pages 101-106]
18. Use the Debt Collection Program to Recover Outstanding Debt [pages 108-110]
19. Vote Federal Accessibility Grant to Election Commission [pages 112-113]

ITEMS FOR DISCUSSION / INFORMATION

20. Clarification of Budget Motion [pages 115-116]

21. Timeline for County Administrator's Evaluation [page 117]

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

22. a. Sewer Tap Fee Assistance Program (Malinowski-November 2010)

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: March 22, 2011 [pages 5-7]

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE TUESDAY, MARCH 22, 2011 6:00 P.M.

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

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MEMBERS PRESENT

Chair: L. Gregory Pearce, Jr.
Member: Damon Jeter
Member: Gwendolyn Davis Kennedy
Member: Seth Rose

Absent: Jim Manning

ALSO PRESENT: Paul Livingston, Bill Malinowski, Norman Jackson, Joyce Dickerson, Kelvin Washington, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Stephany Snowden, Tamara King, Melinda Edwards, Valeria Jackson, Ebony Woods, Rodolfo Callwood, John Hixson, Dale Welch, David Chambers, Anna Fonseca, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 6:04 p.m.

APPROVAL OF MINUTES

February 22, 2011 (Regular Session) – Mr. Jeter moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Kennedy moved, seconded by Mr. Jeter, to adopted the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Fund Balance Designation – Mr. Jeter moved, seconded by Mr. Rose, to forward this item to Council with a recommendation to approve Alternative #1: “Approve the request to amend the financial policy and direct staff to comply with reporting requirements.” The vote in favor was unanimous.

FY11 General Fund Unemployment Bill – Mr. Jeter moved, seconded by Mr. Rose, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Mass Transit Funding – Mr. Jeter moved, seconded by Mr. Rose, to defer this item. The vote in favor was unanimous.

Moratorium on Hiring – Mr. Malinowski stated that he wished to withdraw his motion.

Mr. Rose moved, seconded by Ms. Kennedy, to accept Mr. Malinowski’s withdrawal. The vote in favor was unanimous.

Neighborhood Stabilization Program Round Three Funds Application – Ms. Kennedy moved, seconded by Mr. Pearce, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Video Streaming and Rebroadcast of Council Meetings – Mr. Jeter moved, seconded by Mr. Rose, to forward this item to Council with a recommendation to approve staff’s recommendation: “That if Council chooses to move forward with this project that it directs County staff to conduct further research and provide a financial recommendation in time for the 2011/2012 budget cycle.” The vote was in favor.

Fair Housing Proclamation – Mr. Jeter moved, seconded by Mr. Rose, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Community Development Week Proclamation – Mr. Jeter moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Budget Amendment for Risk Management – Mr. Kennedy moved, seconded to Mr. Jeter, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Caughman Creek Property Appraisal – This item was moved to an action item.

Mr. Jeter moved, seconded by Mr. Rose, to forward this item to Council without a recommendation. The vote in favor was unanimous.

Clarification of Budget Motion – This item was held in committee.

ADJOURNMENT

The meeting adjourned at approximately 6:49 p.m.

Submitted by,

L. Gregory Pearce, Jr., Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Mass Transit Funding [pages 9-10]

Reviews

Richland County Council Request of Action

Subject: Mass Transit Funding

A. Purpose

Council is requested to consider the motion made at the February 1, 2011 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the February 1, 2011 Council Meeting by Councilman Jackson and Councilwoman Hutchinson:

If funds from the Road Maintenance Fee cannot be used for the bus then for a permanent fix, reduce the Transportation Tax by 70% from \$10 to \$3 and to \$10 for commercial vehicles. [Jackson, Hutchinson]

Funding for mass transit for FY 12 (July 1, 2011 – June 30, 2012) has been approved by Council to come from the Road Maintenance Fund.

Therefore, it is at this time that staff is requesting clarification 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, clarification, and direction from Council will need to be obtained before a financial impact can be determined.

D. Alternatives

1. Approve the motion and provide clarification and direction to staff as appropriate.
2. Do not approve the motion.

E. Recommendation

By: Motion by Councilman Jackson and Councilwoman Hutchinson

Date: February 1, 2011 Council 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 Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation required since the request is for clarification and direction.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Tony McDonald

Date: 2/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy question; however, it should be noted that the Road Maintenance Fee (Transit Fee) has been determined to be an appropriate funding source for the bus system, and has been used for the past four budget years for this purpose. The fee is currently \$10 for private vehicles and \$15 for commercial vehicles. If reduced as suggested in the motion above to \$3 and \$10 respectively, the annual revenue generated would be reduced from \$2.5 million to \$1.1 million.

Richland County Council Request of Action

Subject

Adopt the State's travel policy and per diem [pages 12-21]

Reviews

Richland County Council Request of Action

Subject: Adopt the State’s travel policy and per diem

A. Purpose

For Council to consider adopting the State’s travel policy and Per Diem (copy enclosed)

B. Background / Discussion

During March, the following motion was made by Councilmember Jackson requesting an ROA for Richland County to adopt the State’s travel policy and Per Diem. Below is a comparison of the two policies:

Comparison of the State of South Carolina's Travel Policy to Richland County's Travel Policy

	Richland County	State of SC*
Meals - per diem		
in State	\$28	\$25
out of State	\$35	\$32
allows for payment to exceed per diem with actual receipt	Council only	No
allows \$ to be advanced	Y	N

Lodging - The two are very similar with The State referencing the U.S. General Services Guidelines for reasonableness of lodging expenses. Richland County references only that the Director will review for reasonableness.

requirements on travel reimbursement level	must be > 50 miles actual charges	must be > 50 miles actual charges
allows \$ to be advanced	Y	N

Transportation - The two policies are very similar. The State policy does mention that the “most economical” means of travel be selected when traveling and airfare and automobile are both options.

Flight reimbursement level	actual charges	actual charges
Mileage Rate	Based on IRS rate	Based on IRS rate
allows \$ to be advanced	Y	N

*Includes policies for State employees

C. Financial Impact

Based on the information it is unclear on the real financial impact. The impact will be any incremental difference in reimbursements or payments made based on the policy change approved.

D. Alternatives

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

- 1. Approve the request to adopt the State travel policy and per diem amounts.
- 2. Approve some portion of the requested change
- 3. Do not approve

E. Recommendation

This is a Council request and is left to Council discretion.

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: 4/13/11
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: This is a policy decision for Council. If approved, we would recommend that any changes become effective with the new fiscal year, July1. Additionally any changes approved will need to be updated in the Personnel Policy and Procedures Manual.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/13/11
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Legal

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

Administration

Reviewed by: Tony McDonald Date: 4/20/11
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Because the State’s reimbursement rates are slightly lower than the County’s, adoption of the State’s policy would result in a savings

to the County. Recommend approval, and that the new policy be implemented with the beginning of the upcoming fiscal year (FY 12).

Disbursement Regulations

Travel Regulations

BUDGET AND CONTROL BOARD
2009-2010
REGULATIONS FOR REIMBURSEMENT FOR
TRAVEL AND SUBSISTENCE EXPENSES

The regulations contained herein are promulgated by the State Budget and Control Board.

P O L I C Y

These regulations apply to all employees of the State or any agencies thereof not otherwise specifically covered by law.

Travel and transportation at State expense will be authorized only when officially justified and by those means which meet State Government requirements consistent with good management practices.

A traveler on official business will exercise the same care in incurring expenses and accomplishing an assignment that a prudent person would exercise if traveling on personal business. Excess costs, circuitous routes, delays or luxury accommodations unnecessary or unjustified in the performance of an assignment are not considered acceptable as exercising prudence. Travel by commercial airlines will be accomplished in coach or tourist class, except where exigencies require otherwise. Transportation to and from points of arrival and departure will be accomplished by the most economical method.

It is the duty and responsibility of the respective department heads to insure compliance with these regulations.

D E F I N I T I O N S

PERMANENT PLACE OF EMPLOYMENT: The location of the place of activity where a State Employee is regularly assigned and performs work. The corporate limits of the city or town in which the employee's place of work is located. If an employee is not employed in an incorporated city or town, his permanent place of employment is the place of work.

RESIDENCE (ACTUAL): The fixed or permanent domicile of a person that can be reasonably justified as a bona fide place of actual residence.

MILEAGE ALLOWANCE: A rate per mile in lieu of actual expenses of operation of a privately-owned automobile. Certain restrictions and conditions are prescribed in these regulations about the allowable reimbursement amount.

- A. Reimbursement - Employees of the State of South Carolina or any agency thereof including employees and members of the governing bodies of each technical college while traveling on the business of the State shall, upon presentation of a paid receipt, be allowed reimbursement for actual expenses incurred for lodging.

The employee shall also be reimbursed for the actual expenses incurred in the obtaining of meals except that such costs shall not exceed \$25 per day within the State of South Carolina. For travel outside of South Carolina, the maximum daily reimbursement for meals shall not exceed \$32 per day.

It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are reasonable, taking into consideration location, purpose of travel, or other extenuating circumstances. Actual hotel/motel costs will be reimbursed for a single room rate or one-half the cost of the double room rate if shared with another State employee. A paid receipt must be attached to the employee's travel voucher.

- B. Dependents Accompanying Employee - If a dependent accompanies an employee on an authorized business trip, only those expenses which may be directly attributed to the employee may be reimbursed.
- C. Reimbursements - Non-Legislative Members of Committees - Non-Legislative members of committees appointed pursuant to Acts and Resolutions of the General Assembly whose membership consists solely of members of the General Assembly and other personnel who are not employees of the State of South Carolina shall be allowed subsistence expenses of \$35 per day while traveling on official business. Members of such committees may opt to receive actual expenses incurred for lodging and actual expenses incurred in the obtaining of meals in lieu of the allowable subsistence expense.
- D. Reimbursements - Members of State Boards, Commissions or Committees - Members of state boards, commissions, or committees whose duties are not full-time and who are paid on a per diem basis, shall be allowed reimbursement for actual expenses incurred at the rates provided in paragraphs 1 and 10 of the Subsistence Section while away from their places of residence on official business of the State. One person accompanying a handicapped member of a state board, committee or commission on official business of the State shall be allowed the same reimbursement.
- E. Subsistence Reimbursement - Supreme Court Justices - No subsistence reimbursement shall be allowed to a Justice of the Supreme Court or Judge of the Court of Appeals while traveling in the county of his official residence. When traveling on official business of said Court outside the county of his official residence, but within 50 miles of his residence, a Supreme Court Justice and a Judge of the Court of Appeals shall be allowed subsistence expenses in the amount of \$35 per day. When traveling on official business of said Court outside the county of his official residence, 50 or more miles from his residence, each Justice and Judge of the Court of Appeals shall be allowed subsistence expenses in the amount as provided for members of the General Assembly. The Chief Justice, or such other person as the Chief Justice designates, while attending the Conference of Chief Justices and one member of the Supreme Court while attending the National Convention of Appellate Court Judges, and three Circuit Judges while attending the National Convention of State Trial Judges shall be allowed actual subsistence and travel expenses.

Upon approval of the Chief Justice, Supreme Court Justices, Judges of the Court of Appeals, Circuit Judges, and Family Court Judges shall be reimbursed for actual expenses incurred for all other official business requiring out-of-state expenses at the rate provided in [Method of Determining Reimbursable Expenses](#) of this section.

- F. Subsistence Reimbursement - Circuit, Family Court and Administrative Law Judge - No subsistence reimbursements are allowed to a Circuit Court, Family Court, or Administrative Law Judge while holding court within the county in which he resides.

While holding court or on other official business outside the county within 50 miles of his residence, a Circuit Court, Family Court, or Administrative Law Judge is entitled to a subsistence allowance in the amount of \$35 per day.

While holding court or on other official business at a location fifty miles or more from his residence, a Circuit Court, Family Court, or Administrative Law Judge is entitled to a subsistence allowance as provided for members of the General Assembly.

- G. Mileage Reimbursement - When an employee of the State shall use his or her personal automobile in traveling on necessary official business, a charge to equal the [standard business mileage rate](#) as established by the Internal Revenue Service will be allowed. **However, the standard business**

mileage rate used in this calculation shall be the lesser of 50.5 cents per mile or the current rate established by the Internal Revenue Service. Whenever State-provided motor pool vehicles are reasonably available and their use is practical and an employee of the State shall request to use his personal vehicle, a charge of 4 cents per mile less than the [standard business mileage rate](#) as established by the Internal Revenue Service will be allocated for the use of such vehicle. **However, the standard business mileage rate used in this calculation shall be the lesser of 50.5 cents per mile or the current rate established by the Internal Revenue Service.** Auto travel should be by the most direct route practicable, and substantial deviation from the distances shown by the current State Highway System Map of the South Carolina Department of Transportation should be explained. When more than one employee is traveling to the same location, the authorized number of automobiles should be limited to not more than one automobile to two people.

A separate entry should be made for travel in the vicinity of a community or city. Only actual miles driven on official State business will be reimbursed.

Mileage between the employee's home and his or her place of employment is not subject to reimbursement. However, when an employee leaves on a business trip directly from his or her home, and does not go by the employee's headquarters, the employee shall be eligible for reimbursement for actual mileage beginning at his or her residence.

- H. Subsistence Reimbursement - Employment Security and Workers' Compensation Commissions - No subsistence reimbursement shall be allowed to a member of the Employment Security Commission or the Workers' Compensation Commission while traveling in the county of his official residence.

When traveling on official business of the Commission outside the county of his official residence, but within 50 miles of his residence, each member shall be allowed subsistence expenses in the amount of \$35 per day.

When traveling on official business (in state) of the Commission outside the county of his official residence, 50 or more miles from his residence, each member shall be allowed a subsistence allowance as provided for members of the General Assembly.

When traveling out-of-state, members may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General.

- I. Reimbursement - Members of the General Assembly Serving on Committees - Members of the General Assembly serving on Standing Committees of the Senate and House of Representatives, Joint Study Committees created pursuant to Acts and Resolutions of the General Assembly and members traveling on official State business shall receive subsistence expense equal to the maximum allowable by regulation of the Internal Revenue code for the Columbia area.

Members may elect to receive actual expenses incurred for lodging and meals in lieu of the allowable subsistence expense.

- J. Foreign Travel - Any travel outside the United States, Canada, and Puerto Rico. Any foreign travel of a State employee will be reported annually at the end of each fiscal year by the authorizing agency to the President of the Senate, the Speaker of the House, and the Budget and Control Board.

The following information is to be included in the annual reports: (a) name of State employee; (b) destination; (c) inclusive dates of the travel period; (d) purpose of the travel; (e) total cost of the travel; and (f) source of funds.

- K. Maximum subsistence for meals shall be determined in accordance with the attached schedule method of "Determining Maximum Subsistence."

- L. Per Diem - That the per diem allowance of all boards, commissions, and committees shall be at the rate of \$35 per day. Provided, that no full-time officer or employee of the State shall draw any per diem allowance for service on such boards, commissions, or committees.

Per diem is a daily fee given in lieu of an annual salary.

- M. These limitations may be made more restrictive by the agency director as dictated by agency requirements.

- N. Automobile Travel When Air Travel Is Most Economical Mode of Travel - The Appropriations Act states that transportation for official State business will be accomplished by the most economical method. Based on this, an employee who elected to drive his car for his convenience when more economical modes of travel are available is entitled to reimbursement for:

1. Mileage equal to the amount of coach or tourist airplane fare.
2. Vicinity mileage incurred on official business in lieu of using a taxi.
3. Parking fees equal to that which would have been incurred if car had been parked at airport.
4. Subsistence based on date and time airline connections would have been made for departure and return. Any period of time exceeding these guidelines would be at the employee's expense and no subsistence could be paid.

- O. Travel for Handicapped Employees: - The Appropriation Act states that transportation for official State business will be accomplished by the most economical mode of travel, due consideration being given to urgency, schedules and like factors.

We feel the above restricts handicapped employees to travel in the most economical mode of travel possible. However, a handicapped employee who is unable to use the most economical mode of travel due to his handicap may avail himself of the next most economical mode of travel available. In determining the next most economical mode of travel, the following items must be considered:

1. Cost of fare or mileage.
2. Subsistence expenses incurred due to extra days travel, if any.
3. Lodging expenses incurred due to extra days travel, if any.
4. Other allowable expenditures incurred due to extra days travel, if any.

The cost figures used in determining the mode of travel must be attached to the disbursement voucher when it is submitted for payment.

The agency director of the employee's home agency must certify the employee is handicapped. He must also certify the employee was physically unable to use the most economical mode of travel.

Expenses at the same rates allowed to State employees will be authorized for attendants traveling with State employees if the travel is required by the job.

- P. Method for Determining Subsistence

**2009-2010
METHOD OF DETERMINING SUBSISTENCE OR SINGLE CALENDAR DAY TRAVEL**

In determining the maximum amount of subsistence for meals which may be reimbursed, the following time schedule will be adhered to:

		<u>AMOUNT PER MEAL</u>	
If Departure Time Is:	And If Return Time Is:	In State Maximum \$25/day	Out-of-State Maximum \$32/Day
1. Before 6:30 A.M.	*1. After 11:00 A.M.	*\$ 6.00	*\$ 7.00
	*2. After 1:30 P.M. (Lunch)	*\$ 7.00	*\$ 9.00
	*3. After 8:30 P.M. (Supper)	*\$12.00	*\$16.00
2. 6:30 A.M. or after and before 11:00 A.M.	*1. After 1:30 P.M. (Lunch)	*\$ 7.00	*\$ 9.00
	*2. After 8:30 P.M. (Supper)	*\$12.00	*\$16.00
3. 11:00 A.M. or after and before 5:15 P.M.	*1. After 8:30 P.M. (Supper)	*\$12.00	*\$16.00

**2009-2010
METHOD OF DETERMINING SUBSISTENCE
FOR OVERNIGHT TRAVEL**

When a State Employee is traveling in or out of the State on official State business, the following maximum reimbursement will apply:

1. The costs of meals will be reimbursed up to the maximum amount as provided for in the Single Calendar Day schedule. The time limitations for breakfast will not apply for overnight trips when returning early in the morning.
2. State employees who are required to perform their duties during the night shall be allowed reimbursement for breakfast even though their arrival time back to residence or headquarters occurs prior to 11:00 A.M. if the following conditions are met:
 - A. Employee must be in travel status (more than 10 miles from residence and/or headquarters).
 - B. Employee must be in travel status after 8:30 P.M. for a period of not less than six hours.
3. Actual costs for lodging will be reimbursed in accordance with current maximum lodging rates as established by the U.S. GSA. Any exceptions must have the written approval of the agency head. The single rate or one-half the cost of the double room rate if shared with another State employee will be reimbursed. A paid receipt must be attached to the employee's travel voucher.

Q. Special Rules

SPECIAL RULES

*No reimbursement shall be made for meals within ten (10) miles of an employee's official headquarters and/or residence. Agency directors may increase this distance requirement as deemed appropriate.

Receipts for all expenditures, except taxis and meals, shall be attached to the voucher.

Employees required by their agency head, as a part of their official duties, to attend statewide, regional or district meetings within the area in which the employee is headquartered, may receive reimbursement for the cost of meals served at such meetings. If the cost of the meal exceeds the state allowance, receipts must be provided in order to receive reimbursement. At least 75% of those attending the meeting must be employees of other agencies or outside organizations. Meetings of boards, commissions, and committees are not considered statewide, regional or district meetings.

Law enforcement personnel who are assigned to escort the Governor and members of his family, state constitutional officers, and members of the State's congressional delegation shall be allowed reimbursement for actual meal expenses if their escort duty requires them to dine with the officials.

Paid motel and hotel receipts for lodging must be attached to the travel voucher when submitted for reimbursement.

No reimbursement for overnight accommodations will be made within fifty (50) miles of the traveler's official headquarters and/or residence.

*It shall be the responsibility of the agency head to monitor the charges for lodging which might be claimed by his employees in order to determine that such charges are following maximum lodging rates as established by the U.S. General Services Administration. Any exceptions must have the written approval of the agency head, taking into consideration location, purpose of travel or other extenuating circumstances.

MILEAGE

Mileage will be reimbursed at the lesser rate of 50.5 cents or the current [standard business mileage rate](#) established by the Internal Revenue Service. Whenever state-provided motor pool vehicles are reasonably available, mileage will be reimbursed at 4 cents less than the lesser of 50.5 cents per mile or the current [standard business mileage rate](#) established by the Internal Revenue Service. Employees are directed to use self-service pumps when fueling state-owned vehicles at commercial facilities.

R. Method of Determining Reimbursable Expenses

METHOD OF DETERMINING REIMBURSABLE EXPENSES – 2009-2010

<i>TYPE</i>	<i>METHOD</i>	<i>MILEAGE</i>	<i>SPECIAL NOTES</i>
A. Members of Committees, Boards, Commissions Established by Act:			
1. Those Having Legislators as Members of legislative Committees	Flat rate of \$35 per day while traveling on official business. Members may choose to receive actual expenses of food and lodging.	Lesser of 50.5 cents per mile or current rate established by the Internal Revenue Service.	Receipts for all expenditures, except taxis and meals, shall be attached to the voucher.
2. Those not having legislators as members.	Actual expense of lodging. Actual expenses of meals, not to exceed \$25 per day within South Carolina and \$32 per day	Lesser of 50.5 cents per mile or current rate established by the Internal Revenue	Same as Regulations for State Employees.

		for travel out side of South Carolina.	Service.
3. Legislators		Subsistence equal to maximum allowable by regulation of the Internal Revenue Code for the Columbia area. May elect to choose actual expenses for lodging and meals.	
B.	Supreme Court Justices, Court of Appeals Judges, Circuit and Family Court Judges, Administrative Law Judges	See Paragraph 11-12, General Rules.	Lesser of 50.5 cents per mile or current rate established by the Internal Revenue Service.
C.	Employment Security and Worker's Compensation Commissions	See Paragraph 15-17, General Rules.	Lesser of 50.5 cents per mile or current rate established by the Internal Revenue Service.
Foreign Travel		When traveling outside the United States, Canada and Puerto Rico, employees are entitled to reimbursement of actual costs in obtaining meals. Employees may elect to seek reimbursement using the maximum daily rate for meals as established by the federal government per diem rates for travel in foreign areas. These amounts can be claimed without receipts. If reimbursement amounts exceeds the federal per diem rates, employees will be required to present receipts in order to substantiate the claims.	

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Richland County Council Request of Action

Subject

CDBG and HOME Funding Process [pages 23-25]

Reviews

Richland County Council Request of Action

Subject: CDBG and HOME Funding Process

A. Purpose

County Council is requested to approve the revision to the Community Development Block Grant (CDBG) and HOME Programs budgetary process for the upcoming FY 11-12 and subsequent funding years. The upcoming fiscal year begins October 1, 2011 and ends September 30, 2012.

B. Background / Discussion

Historically, the CDBG and HOME budget process was drafted internally based upon varying factors. To have a more solid budgetary process such as the below will (a) lend to a more comprehensive process (b) be funds will be advertised within various methods to include our website, RFQ/RFP and other sources and (c) aid in higher engagement of the community and potential partners lending enhanced transparency. In the future, Council would have a better indication of what would be presented by staff for annual approval since a clearer process would be established. In addition, there are potential future national budget cuts. Therefore, a more regimented process would assist with prudent use and expenditure of federal funds. Finally, CDBG funds will act as a catalyst for funding of some of the eligible activities within County Master Planned areas.

Revised CDBG Process:

- Fund current internal RCCD on-going projects (such as Emergency Repair, Ridgewood Revitalization, MHA's Transitions, Consolidated Plans and/or Marketing, HMIS Match, etc)
- *New:* Fund a percentage (25%) annually as set-aside for approved eligible RC Master Planned Activities that can be implemented within twelve (12) months. The County's Planning Department will provide the list of eligible master plan activities that can take place within this twelve month period. Council would provide final approval on which projects/activities are funded each year.
- Administration (20% cap)
- *New:* RFQ Process – Advertise to the public the remaining portion of funds for projects and/or initiatives that are listed within the Five Year Consolidated Plan and/or Annual Action Plan. Eligible applicants would be the Richland County Public Works, Public Utilities, Unsafe Housing, along with Economic Development Projects, non- or for-profits, etc. to be determined by the RCCD staff.

Revised HOME Process:

- Fund current internal on-going projects (such as Housing Rehabilitation, Down Payment Assistance, CHDO set aside- 15%)
- Administration (10% cap)
- HOME Match (use for above programmatic needs listed above and/or place portion into RFQ Process for affordable housing, multi-family or other eligible developments). Note:

RCCD Staff would reserve the right to annually budget HOME Match for on-going internal projects, if needed.

C. Financial Impact

There really is no financial impact with this particular request. The County currently and has been providing the HOME Match annually as a condition of the HOME funds since 2002. The HOME Match is 25% of the award, minus administrative costs.

D. Alternatives

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

1. Approve the request to revise the Community Development Block Grant (CDBG) and HOME Programs budgetary process for the upcoming FY 11-12 and subsequent funding years.
2. Do not approve request to revise the Community Development Block Grant (CDBG) and HOME Programs budgetary process for the upcoming FY 11-12 and subsequent funding years.

E. Recommendation

3. It is recommended that Council approve the request to revise the Community Development Block Grant (CDBG) and HOME Programs budgetary process for the upcoming FY 11-12 and subsequent funding years.

Recommended by:	Department:	Date:
<i>Valeria Jackson</i>	<i>Community Development</i>	<i>4/12/11</i>

F. Reviews

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

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: 4/13/11
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: 4/13/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Grants

Reviewed by: <u>Sara Salley</u>	Date: 4/13/2011
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to revise the Community Development Block Grant (CDBG) and HOME Programs budgetary process for the upcoming FY 11-12 and subsequent funding years.

Richland County Council Request of Action

Subject

Central Services Mail and Print Operations Information [pages 27-31]

Reviews

Richland County Council Request of Action

Subject: Central Services Mail and Print Operations Information

A. Purpose

The purpose of this document is to offer information to Councilman Jackson's motion (Review the operations and efficiency of the Mail/Printing Department on equipment and organization to see how much the County will save. Reason: We have to see at every level how we can save taxpayers money and these two operations can make a big impact on savings if updated and structured properly (motion submitted by Councilmember Jackson).

B. Background / Discussion

In July 2009 Central Services (Print and Mail operations) became part of the Support Services Department. Reviews were conducted early in this restructuring process on the services provided, the process to provide the services, methods to determine the volumes of material passing through the division, the existing resources available, and the resources required to provide the services.

The primary services provided County-wide by the Central Services (CS) division included:

- United States Postal Services (USPS) mail
 - Pickup, process all outgoing mail, and sorting
 - Processing of outgoing includes folding when printed, sealing, weighing, metering, and prepping for shipment approximately 2085 pieces of outgoing mail daily
 - Sorting and delivery of all incoming mail
- Processing interoffice communications
 - Pick-up, sort, and deliver
 - Process includes pick-up, sorting, hand delivery to the receiving departments and in some cases the individual on a daily basis
- Printing
 - Printing process includes reviewing all requests, drafting until the requesting department finds the prototype acceptable and signs for the accuracy of information and format, designing and manufacturing the plates required for the printing operation, completing the run, binding as necessary, packaging, delivery
 - This operation generates the return addressed envelopes for departments, all forms requested, specialty printings, pamphlets, binders, NCR (forms with carbon copies)
 - Each printing operation requires that the printing plate to be designed and manufactured, and set-up in the printing equipment
 - This process is also an in-house operation for the division and can take hours or days depending on the complexity
 - Plates previously manufactured are stored and reused for repeat printing requests such as envelopes and forms, but have to be remade periodically due to wear or changes made by the requesting department

- Short runs are completed with plates that will make about 15,000 impressions
 - Large runs utilize plates that will make about 40,000 impressions (envelope printing)
- Bulk copying
- Aiding all departments with any incoming or outgoing deliveries of material and providing the physical labor for these operations
 - Run errands and make special deliveries for time sensitive issues

A few numbers

- 2085 – average number of pieces of USPS mail processed through Central Services (CS) daily
- All costs are dictated by the United States Postal Service (USPS) and are directly affected by weight (ounces) and size of each envelope and package.
 - Outgoing mail typically with one piece normal weight paper weighing one ounce is \$0.44 each and with 2 to 3 pieces of standard paper in a normal envelope the cost increases from \$0.61 to \$0.78 and \$0.95 each.
 - Bulk mail requires sufficient quantities that will be delivered to a specific zip code, weighing one ounce or less costs \$0.414 each with increases depending on weight.
 - Costs for restricted (only the addressee can sign for receipt) and certified mail (someone at the receiving address must sign for receipt) are \$10.04 and \$5.54 each respectively. Flat mail base costs are about \$2.09 each on average, but are dependent on weight as well.
 - Costs for these type of mail have been reduced by about \$800 a month over the past year by reducing the quantities through education
- \$20,000 – forecasted reduction in expenditures compared to FY10 actual
 - This number includes over \$22,000 in additional costs in this FY due to November 2010 election related mail
 - The postage volumes and cost are affected on a regular basis for events such as election years and property reassessment. These events greatly increase the volumes of outgoing and return mail generating an increase in cost incurred by the County of approximately \$30,000 to \$40,000 per each event cycle.
- \$27,746 – forecasted under budget amount for FY11

Actions completed to date to improve efficiencies and reduce cost include:

- Review of the in-house process, equipment, potential data collection points to generate measurable and baseline figures
- Held and continue to hold meetings with the companies currently supplying services for reviewing their process, and discussing improvement opportunities that exist within the County and the service supplier's process.
- Informing County departments of the type of mail options and helping them select the lowest cost options for reducing postage cost.
- Inspect all outgoing mail to be sure it is for official business before pick-up
- Replaced 2 of the division's vehicles used in the mail routes with high fuel efficient vehicles to include a hybrid for the primary routes

- This reduces the non-contract repair as well as fuel costs
- Reduced mail routes to outlying facilities to 2 or 3 times a week where possible
- Installed AVL to ensure most efficient routes are planned and utilized

Actions planned or under review:

- We are currently meeting with service providers to review multiple County departments process for handling mail that is not processed through the Central Services Division but is paid by the Central Services budget
- Increase the mail sent through the bulk mail process through department education
 - We are continuing to review operational process improvement opportunities to reduce the first class mail delivery quantities so increased mail volumes can be sent bulk
 - Reviewing possible options to reduce the bulk mail piece rate
 - Reviewing possible recipient address improvement options to reduce repeat and certified mailings
 - Determine the feasibility and cost impact based on each departments independent needs for an address database and possibility of creating a County-wide address database
- Determine volume of interoffice communication envelopes
 - Generate plan and ensure most efficient process is utilized
- Determine volumes of incoming mail
 - Generate a plan and ensure most efficient process is utilized
- Procure second mail processing machine to automatically fold, stuff, seal, weigh, and meter mail, and handle flat mail
 - Current process only weighs and meters mail, but machine will be maintained for high volume times and back-up
- Procure new digital printing operating process
 - Will no longer have to create printing plates removing the need for the plate making process and the hazardous chemicals to operate it
 - Other department's will be able to create their printing needs and e-mail for printing after review
 - Process will also bind automatically without 24 hour waiting period
 - No chemicals will be required
 - No plates will be used alleviating the designed and repeat manufacturing
 - Current process is outdated and no longer manufactured
 - Repair parts for current machine are almost impossible to locate

C. Financial Impact

Capital

- Requested funding in FY12 budget to procure printing operation to replace current outdated process removing the need for long set-up times and caustic chemicals to produce printing plates

Operating

- Funds for processing all mail are normally budgeted and approved in the Central Services postage account and no additional funds are requested beyond the normal budget request. As we continue to operate this budget based on forecasted volumes,

some years will require increases for major events such as elections and property reassessments.

D. Alternatives

1. Allow Support Services to continue to utilize the Pitney Bowes Purchase Power system to process mail in-house. (This is a no-cost credit system as long as invoices are paid within the agreed upon timeframe. Late fees can apply but this has not occurred in over a year). With this system Pitney Bowes pays the USPS based on information received directly from our meter and then invoices the County at no upcharge over the USPS rates and the charges are based on the month's volume.

The below are funds paid to Pitney Bowes for services provided on the equipment purchased over five years ago.

- a. \$48.60 a quarter to lease the postage meter
 - b. \$2,771.30 annually - Full maintenance agreement on mail processing machine
 - c. \$1,704 annually for postmark ink
 - d. \$110.94 annually for meter tape
 - e. No funds are needed beyond the normal budgeted funds in the CS budget
2. Do not allow continued use of the Purchase Power system of mail processing account and all mail will have to be contracted out to 3rd party and funds prepaid based on forecasted volumes and not on actuals affecting cash flow.

E. Recommendation

Recommend approval of Alternative #1 contingent on FY12 budget approval

Recommended by: John Hixon Department: Support Services Date: 4/8/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is unclear on the ROA of how the purpose, financial impact and alternatives relate therefore no recommendation is made.

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendations; it appears that the request is to provide information to County Council.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

Administration

Reviewed by: Tony McDonald

Date: 4/20/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The above summary outlines changes that have already been undertaken and that are planned in the near future to improve the efficiency of the mail services and the quality of the printing operations. It is recommended that the scheduled improvements proceed as planned.

Richland County Council Request of Action

Subject

Codification of the 2008 edition of the National Electrical Code and the 2006 edition of the International Energy Conservation Code [pages 33-37]

Reviews

Richland County Council Request of Action

Subject: Codification of the 2008 edition of the National Electrical Code and the 2006 edition of the International Energy Conservation Code.

A. Purpose

To codify the 2008 edition of the National Electrical Code as the standard for all commercial construction and the 2006 edition of the International Energy Conservation Code as the standard for both residential and commercial construction.

B. Background/Discussion

State Law enables the South Carolina Building Codes Council to regulate the adoption and enforcement of building codes in the state of South Carolina. The Building Codes Council has mandated that the 2008 National Electrical Code and the 2006 International Energy Conservation Code are to be used for commercial and/or residential construction, effective July 1, 2009. In addition, the Building Codes Council has mandated that the 2006 International Residential Code is to be used for residential construction, effective July 1, 2009, and Richland County Council codified such code through the enactment of Ordinance No. 044-09HR on September 1, 2009. Although the Building Codes and Inspections Department is currently enforcing all of these updated codes, the Richland County Code of Ordinances currently shows the National Electrical Code as being the 2005 edition and the International Energy Conservation Code as being the 2003 edition, and shows the 2003 International Residential Code in other sections of Chapter 6.

In order to update the Richland County Code of Ordinances, thereby also having the most current codes shown on the County's website for public access and information, the 2008 edition of the National Electrical Code and the 2006 edition of the International Energy Conservation Code should be codified.

In addition, the attached ordinance amends several other sections of Chapter 6 so as correctly reference the 2006 International Residential Code (which went into effect on July 1, 2009).

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Codify the 2008 National Electrical Code and the 2006 International Energy Conservation Code into the Richland County Code of Ordinances.
2. Do not codify the 2008 National Electrical Code and the 2006 International Energy Conservation Code into the Richland County Code of Ordinances.

E. Recommendation

It is recommended that County Council codify the 2008 edition of the National Electrical Code and the 2006 edition of the International Energy Conservation Code into the Richland County Code of Ordinances so that the most accurate information possible is reflected therein and also on the County's website.

Recommended by: Donny Phipps Department: Building Codes and Inspections Date: 3/18/11

F. Approvals

Finance

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

Date: 4/1/11
 Recommend Council denial

Planning

Reviewed by: Amelia Linder
Recommend Council approval
Comments regarding recommendation:

Date: 4/1/11
 Recommend Council denial

Legal

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

Date:
 Recommend Council denial

Administration

Reviewed by: Sparty Hammett
✓ Recommend Council approval
Comments regarding recommendation:

Date: 4/18/11
 Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SECTION 6-96 AND SECTION 6-97 OF ARTICLE IV, ELECTRICAL CODE; AND SECTION 6-192 OF ARTICLE XI, ENERGY CONSERVATION CODE; SO AS TO CODIFY THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, AND TO CORRECTLY REFLECT THE 2006 INTERNATIONAL RESIDENTIAL CODE IN OTHER SECTIONS OF CHAPTER 6.

WHEREAS, State Law enables the South Carolina Building Codes Council to regulate the adoption and enforcement of building codes in the state of South Carolina; and

WHEREAS, the Building Codes Council has mandated that the 2008 National Electrical Code and the 2006 International Energy Conservation Code are to be used for commercial and/or residential construction, effective July 1, 2009; and

WHEREAS, the Building Codes Council has mandated that the 2006 International Residential Code is to be used for residential construction, effective July 1, 2009, and Richland County Council codified such code through the enactment of Ordinance No. 044-09HR on September 1, 2009; and

WHEREAS, although the Building Codes and Inspections Department is currently enforcing all of these updated codes, the Richland County Code of Ordinances currently shows the National Electrical Code as being the 2005 edition and the International Energy Conservation Code as being the 2003 edition, and shows the 2003 International Residential Code in other sections of Chapter 6; and

WHEREAS, codification of the latest building codes is in the public interest as it provides accurate information to interested citizens.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-96, Purpose; is hereby amended to read as follows:

Sec. 6-96. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all electrical installations that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-97, Adopted; is hereby amended to read as follows:

Sec. 6-97. Adopted.

The workmanship, construction, maintenance, or repair of all electrical work shall conform to the requirements set forth in the ~~2005~~ 2008 edition of the National Electrical Code, published by the National Fire Prevention Association.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-113, Purpose; is hereby amended to read as follows:

Sec. 6-113. Purpose.

The purpose of this article is to apply the provisions of the 2006 edition of the International Fire Code to all buildings and structures that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-125, Purpose; is hereby amended to read as follows:

Sec. 6-125. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-139, Purpose; is hereby amended to read as follows:

Sec. 6-139. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-153, Purpose; is hereby amended to read as follows:

Sec. 6-153. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all plumbing and other related appurtenances that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation; Section 6-192, Adopted; is hereby amended to read as follows:

Sec. 6-192. Adopted.

There is hereby adopted by the county council the ~~2003~~ 2006 International Energy Conservation Code, including Chapter 1 (Administration and Enforcement), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or maintenance of every building or structure shall conform to the requirements of this Code.

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

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

SECTION X. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2011

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request of Action

Subject

Contract Approval with Palmetto Posting, Inc. [pages 39-53]

Reviews

Richland County Council Request of Action

Subject: Contract Approval with Palmetto Posting, Inc.

A. Purpose

County Council is requested to approve a contract with Palmetto Posting, Inc., for the purpose of posting of property, per state law, in Richland County on which delinquent ad valorem property taxes are due. County Council is requested to approve an expenditure of \$20.00 per property posting. Total charges for postings of Richland County Properties are estimated to result in an expenditure of funds over \$100,000.

B. Background / Discussion

Palmetto Posting, Inc. provided property posting services in a timely, efficient and cost effective manner for the prior tax year. Palmetto Posting, Inc. possesses the unique and singularly available capacity to meet the County's requirements for posting of delinquent properties for this tax year according to statute.

C. Financial Impact

There is no financial impact to the County's General Fund. All monies expended for the posting of properties come from the Tax Sale Account, 1735, a revenue fund that can only be used for services and notices related to delinquent property taxes.

It is anticipated that the financial impact of this request will be no more than \$144,000.00 to account 1735. This amount has been requested as part of the County Treasurer's authorized budget for Fiscal Year 11-12.

D. Alternatives

1. Approve the request for the County to enter into a contract with Palmetto Posting, Inc., at rate and cost estimates provided, for the purpose of posting of property in Richland County on which delinquent ad valorem property taxes are due. This request will increase the speed and accuracy of the process for the county and our taxpayers, and will not impact the General Fund.

2. Do not approve.

E. Recommendation

State which alternative you recommend. Be sure to include your name, department, and date.
For example:

Item# 7

Attachment number 1
Page 1 of 15

It is recommended that Council approve the request to enter into a contract with Palmetto Posting, Inc.

Recommended by: David A. Adams **Department:** Richland County Treasurer **Date:** March 14, 2011

F. Reviews

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

Finance

Reviewed by : Daniel Driggers Date: 4/5/2011
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 4/5/11
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

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

Administration

Reviewed by: Tony McDonald Date: 4/5/11
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: As indicated, funds for this contract come from the Treasurer's Tax Sale Account, a revenue account separate from the General Fund that can only be used for expenditures relating to the collection of delinquent taxes. It is recommended, therefore, that the contract be approved.



JUSTIFICATION FOR SOLE SOURCE PROCUREMENT

Definitions that should be used when determining a True Sole Source Purchases

Sole Source Procurement is when only **ONE VENDOR/CONTRACTOR** possesses unique and singularly available capacity to meet the requirements such as technical specifications and qualifications, ability to deliver at and in a particular time. When the required equipment, supplies, construction, or services are available from only one source and no other type of property or services will satisfy the need. A **"True Sole Source"** product is available from only one source, often determined by patent or copyright protection, proprietary rights and capacity of one supplier to provide superior capabilities unobtainable from any other supplier for similar products.

Sole Source must be justified with information of efforts undertaken to locate possible alternative supplier. Whenever using Sole Source rather than full and open competition, provide an explanation of the reason why specifications suitable for full and open competition could not be developed or meet your needs and **why** it is necessary and in the county best interest. The use of Sole Source addresses the source of a product or services not the item itself.

The following examples describing circumstances which could necessitate "Sole Source" procurement:

- (a) Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
- (b) Where a sole supplier's item is needed for trial use or testing;
- (c) Where a sole source supplier's item is to be procured for resale;
- (d) Where public utility services are to be procured;
- (e) Where the item is one of a kind; and
- (f) Printed forms, pamphlets, brochures, exclusive of printing equipment.

1. **REQUIRING DEPARTMENT:** Treasurer's Office

NAME OF REQUESTOR: David Adams

TELEPHONE:803-576-2275

2. DESCRIPTION OF ACTION.

- a. State if procurement is: Non-Urgent Sole Source Urgent Sole Source
- b. For sole source requests, provide the contractor name, point of contact, address and phone/fax numbers and e-mail address. If a sole source manufacturer distributes via Vendors, provide Vendors information here.

Company: Palmetto Posting

Point of Contact: Terry O'Brien

Telephone #: 864-585-8080

Fax #:

Address: 150 E. Henry Street, Suite 201 Spartanburg, SC 29306

3. **DESCRIPTION OF SUPPLIES/SERVICES, ESTIMATED DOLLAR VALUE AND DELIVERY REQUIREMENTS.** Give a short description of the item or service required, the estimated cost, and required delivery date.

Item:

4. **EXPLANATION OF SOLE SOURCE CIRCUMSTANCES.**

For Sole Source Requirements:

- (1) Explain why the item is needed and what will happen if it's not received by the Required Delivery Date (RDD). Describe impact on overhaul/availability schedules, impact to support, personnel safety issues, potential environmental damages, etc., and include the dollar value associated with late delivery.
- (2) Explain the unique features/function of the item and why only one manufacturer can provide it. Discuss why a similar product from another manufacturer will not work.
- (3) If the item can only be obtained from the OEM (Original Equipment Manufacturer), discuss the proprietary (i.e. owned by the company, not for public release) design/drawing/specification requirements.
- (4) If there is a higher order requirement mandating a particular manufacturer (Public Safety equipment, goods and services), cite the requirement and who approved or required its usage. For component repair or replacement parts, explain any compatibility requirements, including a description of the existing equipment and the interface requirements.
- (5) Provide Sole Source information requested above.

5. **PROPRIETARY INFORMATION:**

- a. If sole source is based on proprietary data, a statement to that effect is all that is required in response to this block.

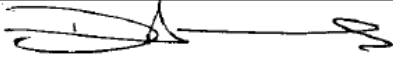
The equipment and software are proprietary to:

6. **DOCUMENTATION OF REVIEW OF SPECIFICATIONS FOR SPARE AND REPAIR PARTS.** If the procurement is for spare or repair parts, include a statement that the specifications have been reviewed and meet the minimum functional requirements of the government.

CERTIFICATIONS

I CERTIFY THAT THE FACTS AND REPRESENTATIONS UNDER MY COGNIZANCE WHICH ARE INCLUDED IN THIS JUSTIFICATION ARE COMPLETE AND ACCURATE AND IS BEING PROCURED PURSUANT TO THE AUTHORITY OF RICHLAND COUNTY CODE OF ORDINANCES.

REQUESTOR

Name, Title and Signature: David A. Adams, Treasurer 		
Account Code 1735-5265	Telephone 803-576-2275	Date 3/14/11

I CERTIFY THAT THE FACTS AND REPRESENTATIONS UNDER MY COGNIZANCE WHICH ARE INCLUDED IN THIS JUSTIFICATION ARE COMPLETE AND ACCURATE AND IS BEING PROCURED PURSUANT TO THE AUTHORITY OF RICHLAND COUNTY CODE OF ORDINANCES.

PROCUREMENT DIRECTOR

Name and Signature	Date:
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I CERTIFY THAT THE REPRESENTATIONS UNDER MY COGNIZANCE ARE BEING PROCURED PURSUANT TO THE AUTHORITY OF RICHLAND COUNTY CODE OF ORDINANCES.

ADMINISTRATOR

Name and Signature	Date:
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Attachment for Sole Source Form

3. Description

County Council is requested to approve a contract with Palmetto Posting, Inc., for the purpose of posting of property, per state law, in Richland County on which delinquent ad valorem property taxes are due. County Council is requested to approve an expenditure of \$20.00 per property posting. Total charges for postings of Richland County Properties are estimated to result in an expenditure of funds over \$100,000.

4. Explanation

To perform the duties required by State Law 12-51. If this is not approved, we will not have the capacity to perform these duties.

There is no other service of this kind available currently.



150 E. Henry St., Ste. 300
Spartanburg, SC 29306
864-585-8080 Fax 864-582-8069

March 10, 2011

Richland County Treasurer's Office
2020 Hampton Street
Columbia, SC 29204
Attn: Dan Gregory

RE: Updated Contract & Exhibit A'

Dear Dan,

Enclosed please find the updated signed contract between Richland County and Palmetto Posting, Inc. for the posting of delinquent properties in 2011.
Also enclosed is the signed Exhibit A'. Once executed please send a copy back to us for our records in the enclosed self addressed, stamped envelope.

Should you have any questions, please feel free to give me a call.

Sincerely,

Erin O'Brien
eob:enclosure

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

AGREEMENT

This Agreement is entered into this 9th day of March, 2011, between Richland County, South Carolina, hereinafter referred to as "County", and Palmetto Posting, Inc., hereinafter referred to as "Contractor".

WITNESETH:

Whereas, the County desires to employ a part-time independent contractor to take exclusive physical possession of the property on which delinquent ad valorem property taxes are owing by posting a notice at one or more conspicuous places on the premises in accordance with South Carolina Code of Laws § 12-51-40; and

Whereas, the Contractor has represented to the County that the Contractor is experienced and qualified to provide the services contemplated by this agreement and the County has relied upon such representation.

Now, therefore, in consideration of the mutual promises and undertakings contained herein, the County and the Contractor, each for itself and its successors and assigns, intending to be fully and legally bound hereby, agree as follows:

1. The Contractor agrees to provide the necessary software and hardware for the posting of property in County on which delinquent ad valorem property taxes are due, per County requirements and also agrees to furnish an adequate number of Field Agents to post the property efficiently and timely.
2. The County agrees to provide at no charge to the Contractor any GIS information the County has access to. The information provided to the Contractor will be used in the service herein described for the County exclusively. The information will not be sold or used for any other purpose.
3. The County agrees to provide internet connectivity and a computer to the Contractor. The County further agrees to provide personnel to administer Contractor's delinquent tax posting process.

-
4. The Contractor agrees to provide a PDA and a GPS unit as needed per Field Agent. The Contractor agrees to provide a printer of adequate speed and durability to accommodate the specifications of the forms required by the County.
 5. The County agrees to act as Administrator in preparing daily the PDA and GPS units for the Field Agents.
 6. Contractor agrees to provide an electronic report of the posting of the property. The report may include property owner's name, address, legal description of the property, map number, item number, year built, improvement type, land use, square footage, last sale date, last sale amount, deed book, land value, improvement value, total value, picture of property indicating sign, certificate of posting and signature of person posting property.
 7. Contractor agrees to provide reports as required by the Delinquent Tax Collector. The exact details and format of said report to be finalized during design phase between County and Contractor.
 8. In consideration of the Contractor furnishing the County with the services as described herein, the County shall pay to the Contractor the sums as stated in the proposal which was submitted by the Contractor and approved and accepted by the County. A copy of such sums which were stated in the contractor's proposal is attached to this Agreement as "Exhibit A" and incorporated herein by reference.
 9. The term of this Agreement shall become effective upon the date of its execution and shall continue through the 2011 tax sale this year. The County shall have the option to renew this Agreement for a one (1) year term.
 10. The County shall not be liable to the Contractor for any expenses paid or incurred by the Contractor unless otherwise agreed in writing.

-
11. Neither federal, nor state, nor local income tax nor payroll tax of any kind shall be withheld or paid by County on behalf of the Contractor or any employees of the Contractor. The Contractor shall not be treated as an employee with respect to the services performed hereunder for federal or state tax purposes.
 12. The Contractor is not eligible for and shall not participate in, any employer pension, health or other fringe benefit plan of County.
 13. The Contractor understands that it is responsible to pay, according to law, income taxes on any payment received from the County pursuant to this agreement. The Contractor further understands that it may be liable for self-employment (social security) tax, to be paid by the Contractor according to law.
 14. No workers' compensation insurance shall be obtained by County concerning the Contractor or any employees of the Contractor. The Contractor shall comply with the workers' compensation law concerning the Contractor and any employees of the Contractor.
 15. It is understood and agreed between the parties that the County, except as noted herein, is in no way connected with the actual performance of this contract on the part of the Contractor, nor as to the employment of labor or the incurring of other expenses; that the Contractor is an independent contractor in the performance of each and every part of this contract and so liable for all labor and expenses in connection therewith and for all damages which may be occasioned on account of the operation of this contract, whether the same be for personal injuries or damages of any kind.

Nothing in this Agreement shall be construed to be inconsistent with the Contractor's status as an independent contractor, or construed to constitute the Contractor, or any of its agents or employees as agents, employees or representatives of the County. The Contractor will supervise the execution

of all work covered by this Agreement which shall be in the exclusive charge and control of the Contractor.

16. The Contractor additionally agrees to indemnify and to hold County, its employees and agents harmless from any and all claims for damages to persons and/or property arising out of or in any way connected with the performance of any work, services or functions covered by this Agreement. The contractor agrees that as an independent contractor, it will not assert in any legal action by claim or defense, or take the position in any administrative procedures that it is an agent or employee of the County.
17. The Contractor further agrees that as an independent contractor it cannot and will not encumber County with any obligation and that it will make no representation to any person or any party on behalf of County. The Contractor further additionally agrees that it will be barred and estopped from instituting or participating in any litigation against County to recover damages, costs or expenses which might arise out of or in any way be connected with the performance of any work, services or functions covered by this Agreement, with the exception of actions by the Contractor to recover payment for services provided under this Agreement, or damages directly attributable to the acts and/or omissions of the County.
18. The Contractor further agrees and binds itself and its successors and assigns in any action by the County for recoupment or reimbursement of such damages and expenses and to be estopped from asserting as a defense that the County did not have proper authority or approval to enter into such indemnity agreement or that the Contractor is not liable for such costs, claims and expenses and the Contractor shall be deemed to have waived such defenses and positions so that only the amount of such costs, claims, etc. shall be the subject of defense. The Contractor agrees that this Agreement may be pleaded by the County in such actions.

19. This Agreement may be terminated by either party without cause upon thirty (30) days written notice to the other party. Such notice by the County to the Contractor, or by the Contractor to the County, may be given and shall be deemed to have been duly given, if either delivered personally or mailed in any general or branch post office enclosed in a certified or registered postpaid envelope addressed as follows:

To the County: Richland County
Office of County Treasurer
2020 Hampton St. Suite 2025
Columbia, SC 29204

To the Contractor: Palmetto Posting, Inc.
150 East Henry Street Suite 201
Spartanburg, SC 29306

20. The Contractor may at any time change the address for notices to it by delivering or mailing an aforesaid notice at least five (5) days prior to such change and setting forth the changed address. The parties shall continue to perform and to be bound by the terms of this Agreement during the thirty (30) day period after any notice of intent to terminate without cause has been given.
21. The County shall, upon reasonable notice, furnish such information and proper assistance to the Contractor as it may reasonably require in connection with any litigation in which the Contractor is, or may become, a party arising out of its performance of this Agreement. This provision shall survive the termination of this Agreement.
22. This Agreement shall super cede any prior agreement between the parties except that this Agreement shall not affect or operate to reduce any benefit or compensation inuring to the Contractor elsewhere provided and not expressly provided for in this Agreement.
23. This Agreement cannot be assigned without the prior written approval of the County, and in the event of such assignment, this Agreement shall be void.

24. If any provision of this Agreement shall be held to be invalid or unenforceable, the remaining provisions shall remain in effect. In the event such invalid or unenforceable provision is considered an essential element of this Agreement, the parties shall promptly renegotiate a replacement provision.

25. This Agreement can only be changed, modified, added to or deleted from by the mutual consent of the parties in writing.

26. This Agreement contains the entire agreement between the parties and no statement or representation not contained herein shall be valid.

PALMETTO POSTING, INC. (CONTRACTOR)

Terrence P. O'Brien
Witnesses

By: _____
Name: Terrence P. O'Brien
Its: President

RICHLAND COUNTY PROCUREMENT

Witnesses

By: _____
Name: Rodolfo A. Callwood, Director

RICHLAND COUNTY ADMINISTRATION

Witnesses

By: _____
RICHLAND COUNTY ADMINISTRATION

EXHIBIT A



COUNTY OF RICHLAND DELINQUENT TAX POSTING SERVICE

**ORIGINAL
PROPOSAL
2-11-2008
UPDATED
3-9-2011**

The purpose of Palmetto Posting, Inc. is to provide a complete "turn-key" service regarding the posting of delinquent properties in Richland County. Palmetto Posting has developed a proprietary software system to accept delinquent tax data from the county client, organize, sort and assign properties to field agents for posting. We print the levies to be posted, photograph the posted properties and deliver a digital field report back to the client county. The following is a synopsis of our system operation:

Richland County will deliver to Palmetto Posting, Inc. their entire delinquent tax database in a digital format determined by Palmetto Posting, Inc. working in conjunction with your IT Department or your data processing vendor. This data is imported in our database whereby our proprietary software organizes and sorts it.

Our software integrates with an internal mapping function that optimizes the route for the field agents to locate all assigned properties. The system then prints the Delinquent Tax levies for the agents to post in the order of the mapping route. Once the tax levy is posted in a conspicuous place on the property the field agent takes a digital photograph by the use of a portable hand-held computer. The photograph attaches to the file for that property on sight, thereby eliminating the possibility of attaching the wrong photograph to the intended parcel.

The field agent returns to the office where the handheld device is downloaded and a digital field report is automatically created for export to the county via e-mail or burned to a disc for delivery. The field report includes all data that the county required at the initial design meetings along with a digital photograph of the posted property, the digital signature of the field agent that posted the property, along with the time and date the property was posted.

If a delinquent mobile home cannot be located, Palmetto Posting will utilize all available means, including but not limited to, aerial photography, GIS mapping, county aerial maps and GPS to locate the mobile home. After exhausting all available means to locate the mobile home Palmetto Posting will photograph the subject property and notify the county of our findings. Additionally, if a mobile home is found to be missing, destroyed, dismantled or uninhabitable Palmetto Posting, Inc. will photograph the property as found. Those properties will be forwarded to the county in a special report so the county assessor may ascertain the disposition of these properties.

Palmetto Posting, Inc. will hire, train, supervise, compensate and insure all of its representatives working on the Richland County project.

Palmetto Posting, Inc. carries all insurance required by law including Worker's Compensation, Comprehensive General Liability, Errors and Omissions and Auto Insurance on all non owned and hired automobiles.

The fee charged for our service is \$20.00 per property posted for the 2011 delinquent tax season which is a discounted rate as the county will provide an employee to prepare information, PDA's, and GPS Units for Field Agents on a daily or as needed basis.

Date: 3-9-11


Terrence P. O'Brien
PRESIDENT

Additional Comments: _____

Richland County Council Request of Action

Subject

Execution of an agreement naming Richland County as the Administering County for the 5th Circuit Public Defender
[pages 55-62]

Reviews

Richland County Council Request of Action

Subject: Execution of an agreement naming Richland County as the Administering County for the 5th Circuit Public Defender

A. Purpose

This request of action asks that County Council adopt an agreement naming Richland County as the Administering County for the 5th Circuit Public Defender, and adding the employees of the 5th Circuit Public Defender (excluding the Circuit Public Defender position and that of his Administrative Assistant – both of which are state government positions) as Richland County employees.

B. Background / Discussion

On June 21, 2007 the new South Carolina “Indigent Defense Act” went into effect. This comprehensive revision in the delivery of indigent defense services in this state mandated, among other things, that one county in a judicial circuit be the “Administering County” (S.C. Code §17-3-560), and that all employees of the Circuit Public Defender become employees of the administering county. (S.C. Code §17-3-540)

Since the passage of the Act the Circuit Public Defender and County Administration have worked together to prepare to implement this legislative mandate. The statute requires that either Richland County or Kershaw County act as the Administering County for the 5th Circuit Public Defender. The Circuit Public Defender wants to continue his longstanding relationship with county government by having Richland County act as the Administering County.

Council has not been asked to take any action in regard to this request up to this point. The County Administrator and representatives of various departments have met with the Circuit Public Defender and have discussed issues and shared information in regard to transitioning to Administrative County and county employee status.

Implementation of this transition would be via a Memorandum of Understanding between Richland County, Kershaw County, and the Fifth Circuit Public Defender. Employees of the office (including three in Kershaw County) would become Richland County employees. Richland County would administer the funds, including those from the state and from Kershaw County used to cover salary and personnel related expenses. The degree of County government involvement beyond administering these expenses is negotiable and would be covered by the Memorandum of Understanding. Richland County would not be responsible for paying any expenses, personnel or otherwise for operations in Kershaw County. Kershaw County funds – state and local – would be maintained and administered in separate account(s).

We seek to implement this transition to correspond with the beginning of the 2011 – 2012 Fiscal Year. Implementation needs to take place both to get in compliance with state law, and to clarify the legal standing of the Fifth Circuit Public Defender’s office.

C. Financial Impact

The change in status requested here will be revenue neutral. As indicated above, the County will not take on any additional obligations for operations in Kershaw County. At present Richland County’s contributions to the Public Defender cover a substantial portion, though not all, of the salary costs of the office. The remainder of salary, and all salary related expenses and operational expenses are covered by state government funding. There is no change to this structure under this request.

D. Alternatives

As mentioned above, this transition needs to be effected in order to comply with state law and to clarify the legal standing of the Fifth Circuit Public Defender office. I can not guarantee the continued operation of my office without complying with state law.

E. Recommendation

I recommend approval of this request, and ask that Council do so.

Recommended by:	Department:	Date:
Circuit Public Defender Douglas S. Strickler	Fifth Circuit Public Defender	2/14/2011

F. Reviews

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

Finance

Reviewed by: <u>Daniel Driggers</u>	Date:
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Human Resources

Reviewed by: <u>Dwight Hanna</u>	Date:
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: The Human Resources Department needs 90 days after approval prior to the effective date in order to put implementation logistics in place. While there is some flexibility relating to the contents of the agreement, it the understanding of the Human Resources Department this action needs to occur to comply with South Carolina legislation. Human Resources supports compliance with the laws of South Carolina.	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: 4/19/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Legal

Reviewed by: <u>Larry Smith</u>	Date:
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation: Recommended Council approval is subject to the agreement being amended to include a requirement that the county administrator, account for and disburse all funds provided to the Public Defender's Office separately from other county funds. This requirement is pursuant to Section 17-3- 560 of the S,C, Code of Laws.

Administration

Reviewed by: J. Milton Pope

Date: 4-20-11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of this state mandate...the intent of the State law was to have the transition of the PD's office to the County be a revenue neutral one however this can only be accomplished if the State funds the program at its current level and will increase funding for existing and future expenditures. The County is now required to fund the PD's office at a base level and the base cannot be reduced. Staff will also request that the Public Defender be available to answer questions from the Committee

STATE OF SOUTH CAROLINA)	AGREEMENT BETWEEN RICHLAND COUNTY,
COUNTY OF RICHLAND and)	KERSHAW COUNTY, and the
COUNTY OF KERSHAW)	5 th CIRCUIT PUBLIC DEFENDER OFFICE
)	ADMINISTRATION

THIS AGREEMENT IS ENTERED INTO by and between the COUNTY OF RICHLAND, SOUTH CAROLINA, (hereinafter referred to as the "Richland County"), the COUNTY OF KERSHAW, SOUTH CAROLINA (hereinafter referred to as "Kershaw County"), [collectively referred to as the "COUNTIES"], and the CIRCUIT PUBLIC DEFENDER for the 5th JUDICIAL CIRCUIT (hereinafter referred to as the "Public Defender") pursuant to § 17-3-560 of the South Carolina Code of Laws (2007).

THE FIFTH JUDICIAL CIRCUIT of the State of South Carolina is comprised of the Counties of Richland and Kershaw.

IT IS HEREBY ACKNOWLEDGED , pursuant to Chapter 3 of Title 17 of South Carolina Code of Laws that Richland County shall be the Administering County as defined by § 17-3-5(7).

SECTION I. RESPONSIBILITY OF THE PUBLIC DEFENDER PURSUANT TO § 17-3-520 (B)

The Circuit Public Defender shall administer and coordinate the day-to-day operations of their respective offices, supervise the Public Defenders and other staff serving in the offices, and actively participate in the representation of clients throughout the judicial circuit.

SECTION II. DUTIES OF THE PUBLIC DEFENDER

A. establish processes and procedures to ensure that office and contract personnel use information technology and caseload management systems in cooperation with and with the advice and expertise of the Richland County Information Technology Department (RCITD) and shall agree that all new systems will adhere to the technical standards and architectural platforms approved by RCITD; I. establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and caseload data is accurately collected, recorded, and reported, and shall agree that all new systems will adhere to the technical standards and architectural platforms approved by the Richland County Information Technology Department;

- B. in cooperation and with the advice of the Richland County Human Resources Department:
1. establish Standard Operating Procedures (SOPs) procedures for circuit and county Public Defender offices;
 2. establish and supervise a training and performance evaluation program for attorneys and non-attorney staff members, as required by statute; and
 3. establish a procedure and ensure all eligible employees and supervisors properly participate and complete all applicable parts of Richland County's performance management process (Performance Enhancement Program) timely; and
 4. establish procedures to handle complaints, involving indigent defense performance and to ensure that Public Defenders, office personnel, contract and appointed attorneys and clients are aware of avenues available for bringing a complaint, as required by statute; and
 5. make decision on each recommendation from the Grievance Committee resulting from a grievance filed by an employee of Public Defender's Office; and
 6. ensure personnel of the Public Defender's Office comply with all applicable Richland County personnel related ordinances, policies, Employee Handbook, Human Resources Guidelines, timelines, rules, and processes.

7. provide an itemized listing and verify such documentation of Public Defender personnel and data to be accurate, complete, and current that are to become Richland County employees as a part of this agreement (see attachment A).

C. comply with all other federal, state, Supreme Court and Commission requirements, rules, statutes, and laws

Notwithstanding any other provisions of this agreement pursuant to South Carolina Code of Laws Section 17-3-540 "Personnel employed pursuant to the provisions of this section (17-3-5 et seq.) serve at the pleasure of the Circuit Public Defender and have responsibilities as the Circuit Public Defender directs."

SECTION III. REIMBURSABLE EXPENSES

The terms and conditions governing reimbursement for any assistance provided under the Agreement shall be in accordance with the following provision. During the period of this agreement the Public Defender shall be responsible for reimbursement of all reimbursable expenses.

A. Personnel: The Public Defender shall pay the County in advance for expenses associated with the provision of salary, county employment benefits, and any other business expenses incurred by the County to operate, maintain and staff the Public Defender's Office. The Public Defender shall be responsible for paying the County prior to the bi-weekly payment to the Public Defender employees. All staff of the Public Defender shall be employees of Richland County with all rights and benefits granted to County employees, except that employees of the Circuit Public Defender offices shall serve at the pleasure of the 5th Circuit Public Defender.

B. Employment Benefits: The Public Defender shall pay the County in advance for funds associated with the provision of any and all employment related benefits to employees and retirees of the Public Defender. Such benefits include but not limited to employee health care, dental insurance, life insurance, training classes, seminars, lunch and learns, seminars, wellness incentives, printing & copies, longevity pay, leave accruals, leave payouts, wellness programs, retiree contributions, retiree insurance, Workers compensation, unemployment, employer taxes, etc

SECTION IV. Employees and Employment Procedures

A. General: The Public Defender shall follow the personnel policies, guidelines, processes, timelines, rules, and procedures adopted by the County, including but not limited to, policies regarding establishment of employee health insurance and leave benefits, office hours, holiday schedules, travel and travel expenses, pre-employment drug screening and physicals, and pre and/or post employment training regarding sexual harassment and /or legal and policy issues. Except the Public Defender and independent contractors, all personnel employed by the Circuit Public Defenders pursuant to this article shall be employees of the administering county and shall be compensated based on the unclassified service schedule of the South Carolina Merit System of Personnel Administration. See SC Human Resources website for job classifications and pay bands. The South Carolina pay bands and job categories will be matched with Richland County job descriptions, job classifications, and pay ranges and employees of the Circuit Public Defender Office will use the Richland County descriptions and Richland County pay ranges. The Public Defender shall ensure that all Public Defender employees comply with all County policies, guideless, benefits, rules, budget directives, County Administrator memorandums, and procedures as well as any amendments, additions, deletions, and/or revisions thereto.

Employees of the Public Defender shall enjoy the same benefits made available to all other eligible employees of Richland County, including annual and sick leave, insurance benefits and options, and SC State Retirement System participation, as more fully set forth in the materials distributed to all Richland County employees, including but not limited to the Richland County Personnel Ordinances, Employee Handbook, and Human Resources Guidelines. In accord with current Richland County policy and/or guidelines, those employees of the Richland County Public

Defender and/or Kershaw County Public Defender shall not receive service credit for Richland County benefits for years of service with the Richland County Public Defender or the Kershaw Public Defender. No accrued annual and no accrued sick leave balances will be brought forward to Richland County for any personnel of the Public Defender's Office. The date of employment for personnel of the Public Defenders Office that will initially become Richland County employees (see list Attachment #____) as a part of this agreement will be September 13, 2010.

SEE ATTACHED LIST OF EMPLOYEES

B. Hiring Practices: The following procedures are agreed to for the filling of employment vacancies in the Public Defender's Office:

1. Richland County Human Resource Office shall:

- Identify or develop job descriptions and identify minimum hiring requirements for positions within the Public Defender's Office;
- * Advertise vacant position in the same manner as other county employment vacancies and in other manners agreed to by the parties;
- Receive, review and screen applications for compliance with minimum hiring requirements;
- Forward applications meeting minimum hiring requirements to the Public Defender.
- Conduct pre-employment background checks;
- Collect and maintain state or federal verification materials, federal and state tax forms, and EEOC required data; and

Administer pre- and/or post employment drug testing requirements or physician's exams.

2. The Public Defender shall:

- Conduct all pre-employment interviews of qualified candidates as they may deem necessary or appropriate;
- Forward applications received directly by the Public Defender to the County Human Resources Dept. for screening;
- Make decisions for hiring of individuals employed by the Public Defender;
- Before making any offer of employment or offering any offer of salary or compensation the Public Defender shall notify the County Human Resource Department of the Public Defender's hiring decisions and terms;
- Participate in job audits, surveys, and/or information gathering requests from the County;
- Upon verification by County Human Resource Director regarding compensation and pre-employment background reports, the Public Defender shall officially notify the persons of offers of employment; and
- The Public Defender agrees that employees of the Public Defender shall enjoy the same benefits made available to all other employees of Richland County, including health, dental, leave accruals, benefit accruals, and other benefit programs, subject to the personnel policies, guidelines, and procedures as set forth in the Richland County Human Resources Guidelines, and as such policies and procedures may be altered from time to time, except as heretofore stated.

Section V. Insurance and Indemnities

A. Insurance: The Public Defender and each independent contractor working for the 5TH Circuit Public Defender shall provide copies of respective certificates of insurance upon such terms as the County may require. Each certificate shall designate the County as a certificate holder listing the County as an additional named insured, and

shall by its terms not be cancelled without thirty (30) days notice to the County. The minimum insurance coverage shall be one million and 00/100 (\$1,000,000.00) dollars per occurrence.

B. Indemnification: By accepting the funds which are the subject of this Agreement, the Public Defender also agrees to indemnify the County and hold it harmless from and against any and all causes of action which may arise out of the course of the disbursement and use of the funds which are the subject of this Agreement, to include a reasonable attorney's fee to defend such action or actions.

Section VI. Contracts Assumed by the Public Defender

Pursuant to S.C. Code § 17-3-600, the Public Defender is honoring contracts entered into between private attorneys and the predecessor county indigent defense corporation. Attached are copies of all such contracts affected by S.C. Code § 17-3-600.

Section VII. Restatement of Statute or Ordinance

In no event shall a provision of this Agreement be interpreted to alter or amend an obligation pursuant to ordinance or statute. Recitations of obligations or procedures under ordinance or statute are for reference and do not in any way alter the specific requirements or prohibitions of law. Recitation of employee benefits does not create an unalterable or irrevocable benefit. Any amendments to benefit policies enacted for county employees, personnel, procurement and other ordinances will apply to employees and office of the Public Defender.

Section VIII. Term of this Agreement

This agreement shall run from _____, 2010 and terminate _____, 2011. This agreement may be renewed annually in writing, signed by both parties. It is further agreed to by the parties that this agreement may be terminated prior to the end of the term by either party providing written notice of at least 60 days prior to the effective date of the termination.

Section IX. Termination and Severability. This Agreement may be terminated by the County upon thirty (30) days written notice of any default or failure by the Public Defender to perform its obligations hereunder. The Public Defender must request funds from the County pursuant to this Agreement within fifteen (15) days of the end of the County's fiscal year, June 30th. If no request is made within that period, or if the Public Defender shall not have complied with its obligation to furnish information to the county, then this Agreement may be voided as to future money payable from the County to the Public Defender.

This Agreement may be terminated by the Circuit Public Defender upon thirty (30) days written notice of any default or failure by Richland or Kershaw County to perform its statutory obligations hereunder.

Any provision deemed by a court of competent jurisdiction to be in violation of said law shall be null and void. The illegality of any one or more such provision shall not operate to nullify or void any remaining otherwise lawful provision hereof.

Section X. Jurisdiction. This Agreement shall be governed by the laws of the State of South Carolina. This Agreement exists in the form of three (3) duplicate originals, each of which, when executed by all of the parties hereto is as valid and enforceable as the others.

IN WITNESS WHEREOF, the undersigned set their hands and seals on the dates indicated:

WITNESSES

PUBLIC DEFENDER – 5TH JUDICIAL CIRCUIT

Date

WITNESSES

KERSHAW COUNTY ADMINISTRATOR

Date

WITNESSES

RICHLAND COUNTY ADMINISTRATOR

Date

Attachment A

EMPLOYEE

DATE OF HIRE

YEARS OF SERVICE

Richland County Council Request of Action

Subject

Motion to Adhere to Grant Deadlines as stated in Grant Program Guidelines [pages 64-67]

Reviews

Richland County Council Request of Action

Subject: Motion to Adhere to Grant Deadlines as Stated in Grant Program Guidelines

A. Purpose

County Council is requested to consider the following motion to not review and to deny funding for organizations that fail to turn in grant applications on time for the Hospitality Tax, Accommodations Tax and Discretionary grant programs.

B. Background / Discussion

The following motion was made by Council members Kennedy and Jeter at the April 5, 2011 Council Meeting:

Richland County will not accept late grant applications and grant committees will not review or recommend late organizations' projects for funding if the required paperwork is not submitted by the deadline that is stated clearly in the grant guidelines and on the application check list. This motion applies to Hospitality Tax Grant applications, Accommodations Tax Grant applications, and Discretionary Grant applications.

Grant program guidelines and applications clearly state the date and time that applications are due. These documents also state that applications received after the due date will not be reviewed by grant committees. Excerpts from the Accommodations Tax, Hospitality Tax, and Discretionary Grant Guidelines are attached below for your convenience. The guidelines contain specific information regarding deadlines. Also attached is a sample application checklist that is a part of each grant application form. This document also contains specific information regarding deadlines.

Staff logs each grant received and notates any missing information for the grant committees. A full grant list and all applications (including those missing information and those that are received late) are sent to the appropriate grant committee for review. The Committees determine if they will review the incomplete or late applications.

This year, two Accommodations Tax applications that were received after the deadline were recommended for funding. By recommending funding for these organizations, it compromises the rules stated in the grant guidelines and application. It is also not fair to those organizations that turned in their paperwork on time or those that did not apply because they knew that they could not get an application submitted by the deadline.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the motion. This means that late grant applications will neither be accepted nor reviewed.
2. Do not approve the motion.

E. Recommendation

It is recommended that Council approve the motion in order to improve accountability for grant expenditures.

Recommended by: Gwendolyn Kennedy and Damon Jeter

Department: Council

Date: 4/5/11

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council. Council has already approved the attached committee guidelines that state the same position on the bottom of page one. Council may consider receiving a recommendation from the County Grants Manager and the funding committees for each group to determine the scope of exceptions prior to a decision.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: While this is a policy decision of the Council it appears that the county's Guidelines already provide for applications not to be considered after the deadline.

Perhaps what needs to be considered is enforcement of the current Guidelines rather than the adoption of another policy.

Administration

Reviewed by: Roxanne Ancheta

Date: April 13, 2011

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council direct staff to not accept late grant applications, thereby removing the ability for Hospitality Tax, Accommodations Tax, and Discretionary Grant Committees to make the decision to review or recommend late organizations' projects for funding. This recommendation applies to Hospitality Tax Grant applications, Accommodations Tax Grant applications, and Discretionary Grant applications.

Language from the FY12 A-Tax and H-Tax Grant Guidelines:

APPLICATION PACKAGE

In order to be considered for funding, applicants must submit a complete application package for the grant program. Incomplete applications will not be considered. Complete applications include:

- Completed and signed application form
- Typed Narrative answering all components outlined in section two of these guidelines
- Budget and justification
- Required attachments, listed above

Applicants must provide seven (7) copies of the complete application package, including one original (8 packages total) to Richland County. To save paper, please provide only one (1) copy of the audited financial statement.

Please submit only the required elements secured with a paper or binder clip. Folders, report covers, and binders and other items will be discarded.

Applications may be mailed in or hand delivered by 5:00 p.m. on February 25, 2011. Emailed or faxed applications will not be accepted. Due dates are not post mark dates. Applications must be received by 5:00 pm or they will not be considered for funding.

Mail: Richland County Grants Office, Attn: Sara Salley, PO Box 192, Columbia, SC 29202

Hand Deliver: Richland County Administrator's Office, 2020 Hampton Street, 4th floor, Suite 4069, Columbia, SC 29204.

Language from the FY12 Discretionary Grant Guidelines:

APPLICATION PACKAGE

Complete application packages include the application form and the following required attachments:

- 1) Project Budget and justification
- 2) Current organization operating budget reflecting sources and amounts of income and expenditures
- 3) IRS letter or other documentation indicating the organization's tax exempt, charitable status.
- 4) Current list of board of directors
- 5) Latest audited financial statements

Attachments MUST be submitted along with the proposal. Incomplete applications will not be evaluated. Send (1) original and (6) copies of the application package to:

Mailing Address

Richland County Administration
Attn: Sara Salley, Grants Manager
Discretionary Grant Fund
PO Box 192
Columbia, SC 29202

Hand Delivery

Richland County Administration
Attn: Sara Salley, Grants Manager
Discretionary Grant Fund
2020 Hampton Street, 4th Floor
Columbia, SC 29204

DEADLINE

Richland County will accept proposals until 5:00 p.m., **March 4, 2011**. Proposals received after this date and time **will not be considered** and will be returned. Fax and email transmissions will not be accepted.

Each A-Tax, H-Tax and Discretionary grant application contains a checklist to assist organizations in applying for grants. The checklist below is from the FY12 A-Tax Grant application. Similar language is found in H-Tax Grant and Discretionary Grant applicaitons.

APPLICATION CHECKLIST

This sheet is not part of the application, but a tool to assit you in preparing your application.

Required Elements:

- Completed each section of the A-Tax Grant Application. Please do not use font sizes lower than 10 point. Anything smaller makes it difficult for reviewers to read.
- Create a narrative that answers each outlined point in the grant guidelines
- Board Chair signed and dated the application
- Executive Director signed and dated the application
- On separate sheet(s), use the budget template to outline the program/project budget and justification
- Attach proof of nonprofit status (IRS and Secretary of State)
- Attach list of current Board of Directors
- Attached latest audited financial statement

Application Packet

- Made a copy to keep on file (applicant organization)
- Prepared 7 copies of the application, including the original to send to Richland County (total of 8)
- Secured each application with a staple, paper clip or binder clip. No report folders, please.

REMINDERS

The Application deadline is 5:00 pm Friday, February 25, 2011. Late applications will NOT be accepted. Richland County does NOT accept applications sent via fax or email.

Mail Application to:

Richland County Administrator's Office
Attn: Sara Salley
PO Box 192
Columbia, SC 29202

Hand Deliver Application to:

Richland County Administrator's Office
Attn: Sara Salley
2020 Hampton Street, Suite 4069
Columbia, SC 29204

If awarded funding, you will be required to request quarterly payments in writing. When requesting funds, you **must submit a balance sheet and expenditure summary** at of the end of the preceding quarter/year, whichever is applicable.

PREVIOUS YEAR GRANTEES

If you received funding for fiscal year 2010-2011, please send in your final report form no later than July 31. You will not be able to receive 2011-2012 funding until Richland County has received this report. Report forms can be found at <http://www.rcgov.us/departments/Budget/AccTaxInfo.asp>. You may mail reports to the address above.

QUESTIONS

Call 803.576.2069 or email salleys@rcgov.us if you have any questions concerning the application process or the A-Tax Grant Program.

Richland County Council Request of Action

Subject

Organizationally place the County Assessor's Office under the County Administrator [pages 69-71]

Reviews

Richland County Council Request for Action

Subject: Organizationally place the County Assessor and County Assessor's Office under the County Administrator

A. Purpose

This request is, per Mr. Manning's motion, to organizationally place the County Assessor and the County Assessor's office under the County Administrator.

B. Background / Discussion

During the Motion Period of the February 2, 2010, County Council meeting, Mr. Manning made a request to, by ordinance, organizationally place the County Assessor and the County Assessor's Office under the County Administrator. This item was further discussed during Council's 2011 annual retreat and was part of Council's approved 'Items for Further Analysis' during the February 1, 2011 regular council meeting.

The County Assessor and the County Assessor's Office were first created by Act No. 952 of 1958, South Carolina Statutes-at-Large (1958, p. 1972). This Act established the Richland County Board of Assessment Control whose duties included establishing the methods, policies, rules, and regulations for the "fair and equitable assessment of all taxable property within School District No. 1 of Richland County." The Act authorized the Board to employ a tax assessor and to provide for a tax assessor's office. In 1963, the Act was amended to make it applicable to all taxable property within Richland County. Section 12-37-90 of the South Carolina Code of Laws sets out the responsibilities and duties of the assessor and assessor's office.

Chapter 23, Article 2, of the County Code of Ordinances essentially restates the State law as it relates to the tax assessor. Section 23-19 reads as follows:

Employed by board of assessment control compensation; assistants.

There shall be a tax assessor for the county, who shall be employed by the county board of assessment control. The tax assessor shall receive such compensation as the county board of assessment control shall determine. The tax assessor shall select such other personnel to assist him in his duties as shall be authorized by the county board of assessment control.

Mr. Manning's motion attempts to alter the method by which the assessor is hired, placing such control under the County Administrator. As the Board of Assessment Control and the Assessor is statutorily created by local legislation, I am unaware of any manner that the method of employment could be altered by a county ordinance; such amendment would have to be done at a State level. Act No. 952 (1958) and Act No. 355 (1963), that originally provided that the Assessor would be employed by the Board of Assessment Control would have to be repealed. If the Acts were repealed with the help of the Legislative Delegation and the legislature, then that might address the issue.

To muddy the waters further, there exists a case, *Davis v. Richland County Council et al.*, 642 S.E.2d 740 (2007), that seems to call into question the legality of any special legislation at all. However, since this specific special legislation at hand in the present case has not been

overturned, I'm not sure that we can legally act in opposition to it.

In conclusion, given the differing sources of authority cited above, special legislation, statutes codified in the S.C. Code of Laws, and County ordinances, I have been unable to locate any authority for the Council to, by ordinance, allow for the Assessor to be hired/fired by the County Administrator. While there are many other counties that have, by ordinance, placed the assessor under the county administrator, these counties, unfortunately, are not helpful in our current situation as their special legislation is different or has been repealed altogether. If the county desires to place the assessor under the county administrator, there are two ways to proceed that would unravel the quagmire of legislation and authority now before us:

1. Request the Richland County Legislative Delegation introduce legislation that would repeal the special legislation. This method has been used successfully before by Charleston County, whose special legislation was repealed in 1995.

2. File a declaratory judgment action to have the special legislation declared unconstitutional. The *Davis* case cited above leads one to believe that this method would be successful.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Request the Richland County Legislative Delegation introduce legislation that would repeal the special legislation.
2. File a declaratory judgment action to have the special legislation declared unconstitutional.
3. Do neither and/or proceed with some other plan of action.

E. Recommendation

Council discretion, keeping in mind the above legal guidance.

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

F. Reviews

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

Finance

Reviewed by Daniel Driggers:

Date: 2/12/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Based on the ROA there is no financial impact however this is a policy decision for Council.

Legal

Reviewed by: Larry Smith:

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: If the Council is interested in pursuing Mr. Manning's motion to place the Assessor and the Assessor's Office under the Administrator a declaratory judgment action could be filed, requesting that the court declare the current law to be unconstitutional.

Administration

Reviewed by: J. Milton Pope:

Date: 2-12-10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Committee/Council discretion...

Richland County Council Request of Action

Subject

Policy to Address Budgets of Newly Elected Officials [pages 73-74]

Reviews

Richland County Council Request of Action

Subject: Policy to Address Budgets of Newly Elected Officials

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the March 15, 2011, Council Meeting regarding the budgets of newly elected officials.

B. Background / Discussion

At the March 15, 2011, Council Meeting, Council Member Bill Malinowski introduced the following motion:

“For Richland County Council in conjunction with staff to create a policy that addresses the existing budget of newly elected officials and their possible requests for additional funding.”

When elected officials, such as the Clerk of Court, Coroner, Sheriff and Solicitor, are elected for the first time, they take office in the January following the November in which they were elected. This timeline requires the newly elected officials to assume the duties of their respective offices in the middle of a fiscal year.

It is often the case that when a newly elected official assumes office in January, he or she decides that additional funds are needed in order to operate his or her respective office. Of course, the newly elected official would not have had the opportunity to have input into the budget since he or she would not have been elected at the time the budget was prepared by the former office holder. In this case, the newly elected official will propose to the County Council a budget amendment to increase funding for his or her office for the remainder of the fiscal year.

Mr. Malinowski's motion would address these situations in an effort to either avoid the mid-year budget amendments for newly elected officials, or, at least, provide for better planning of such budget amendments to lessen the impact on the General Fund.

C. Financial Impact

It is difficult, if not impossible, to determine the financial impact of the proposed motion at this time. The impact will ultimately be determined by the final policy that is adopted by the Council, and more specifically, on a case by case basis. The intent, however, is to minimize the impact on the General Fund by reducing the number of unplanned, unfunded mid-year budget amendments.

D. Alternatives

1. Establish a policy that does not allow mid-year budget amendments for newly elected officials solely on the basis of a transition from one official to the next. This would require the newly elected official to operate for the remainder of the

- fiscal year, which is only six months, within the budget parameters that were adopted by the Council at the beginning of the fiscal year.
2. Allow any new elected official a window of opportunity, one month for example, to review and analyze his or her budget and then report to the Council on the status of the budget and, with the concurrence of the Council, the elected official and the County Administrator, initiate a budget amendment only if there are no alternatives.
 3. Continue the practice as it exists today, i.e., assume that a newly elected official must operate within the budget that has been adopted, with the Council dealing with individual elected official requests on a case by case basis.

E. Recommendation

By: Motion by Council Member Malinowski Date: March 15, 2011 Council 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: 4/12/11

Recommend Council approval Recommend Council denial

Comments regarding recommendation: This would be a policy decision for Council.

Legal

Reviewed by: Larry Smith Date:

Recommend Council approval Recommend Council denial

Comments regarding recommendation: This is a policy decision within the discretion of the Council.

Administration

Reviewed by: Tony McDonald Date: 4/13/11

Recommend Council approval Recommend Council denial

Comments regarding recommendation: Administration recommends that Alternative 1 be adopted, i.e., establish a policy that does not allow mid-year budget amendments for newly elected officials based solely on the fact that there is a transition from one office holder to another.

When a newly elected official assumes office in January, only six months remain in the fiscal year, which ends June 30. It is believed that it normally takes this long for a new official to orient himself or herself to the new office and have time to fully analyze the needs of the office. Any changes that he or she determines to be necessary as a result of that analysis can then be included in the following fiscal year's budget request.

Of course, any emergency situation that arises within the year can be addressed as an emergency and dealt with accordingly.

Richland County Council Request of Action

Subject

Policy to Address Mid-Year Agency Budget Amendments [pages 76-77]

Reviews

Richland County Council Request of Action

Subject: Policy to Address Mid-Year Agency Budget Amendments

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the March 15, 2011, Council Meeting regarding mid-year budget amendments for agencies.

B. Background / Discussion

At the March 15, 2011, Council Meeting, Council Member Bill Malinowski introduced the following motion:

“For Richland County Council in conjunction with staff to create a policy that will be adhered to by agencies requesting additional budget funds that will cause a budget amendment.”

The intent of the motion is to limit, or possibly prohibit, mid-year budget amendments that, in most cases, reduce the fund balance of the County's General Fund.

C. Financial Impact

The financial impact of the proposed motion, in terms of dollars, is difficult to determine. However, it is clear that mid-year budget amendments have an obvious negative impact on the County's General Fund since they are unplanned appropriations in addition to the original budget adopted by the Council.

D. Alternatives

1. Establish a policy that does not allow mid-year budget amendments. This would require departments to operate within the budget parameters that were adopted by the Council at the beginning of the fiscal year.
2. Establish a policy that does not allow mid-year budget amendments, except in emergency situations where the circumstances could not have been foreseen at the time the budget was initially adopted.
3. Establish a policy that sets parameters within which departments can be appropriated additional funding during the fiscal year.
4. Continue the practice as it exists today, i.e., assume that departments must operate within the budget that has been adopted, with the Council dealing with individual requests for additional funds on a case by case basis.

E. Recommendation

By: Motion by Council Member Malinowski Date: March 15, 2011 Council Meeting

Mr. Malinowski's motion would support Alternative #1 above, i.e., establish a policy that does not allow mid-year budget amendments. This would require departments to

operate within the budget parameters that were adopted by the Council at the beginning of the fiscal year.

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: 4/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council. There are currently two similar ROA's in process concerning the same topic of additional mid-year funding request; one is specifically for newly elected officials and this one is addressing agency request. We would recommend that if Council chooses to approve a fiscal policy on additional funding request that the issues on both ROA's be consolidated and a comprehensive approach be consider for the policy development. Based on the limitation of the information provided and the fluid nature of the business environment, we would caution Council not to make a policy that is too restrictive without maintaining an appropriate level of flexibility to ensure continuity of the ongoing operation.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: While this is ultimately a policy decision of Council, I would agree with the Finance Directors observations that if any policy is recommended to the full Council, that the policy should be flexible enough that it takes into account matters that could not have been anticipated when the department made its budget request. Or if the matter was anticipated , it was not funded .

Administration

Reviewed by: Tony McDonald

Date: 4/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As a general rule, Administration recommends that mid-year budget amendments not be allowed, and that departments should be required to operate within the budget parameters that were approved by the Council when the budget was initially adopted.

However, on occasion, unforeseen situations and emergencies do arise that no one could have anticipated at the time of budget adoption. Therefore, I concur with the Finance Director's comments that some flexibility needs to be built in to any policy that is adopted.

Recommend Alternative #2 above.

Richland County Council Request of Action

Subject

Request to transfer the VAWA Criminal Domestic Violence grant from Court Administration to Solicitor's Office [pages 79-80]

Reviews

Richland County Council Request of Action

Subject: Request to transfer the VAWA Criminal Domestic Violence (CDV) grant from Court Administration to Solicitor's Office

A. Purpose

County Council is requested to approve the transfer of the Violence Against Women Act (VAWA) grant program from Court Administration to the Solicitor's Office. This approval would enable the solicitor's office to provide enhanced management of the grant program through better reporting and management by the grant coordinator within the solicitor's Office.

B. Background / Discussion

The current VAWA grant program consists of salary and fringe benefits for an Assistant Solicitor, Solicitor Investigator and a small amount of funds for supplies for the (CDV) program. The grant-funded employees are currently housed and managed by the Solicitor's Office. Moving this grant under the supervision of the Solicitor and his in-house grant coordinator would provide more direct oversight of this project and enhanced reporting.

If approved, the Solicitor's Office plans to enhance the FY12 application by possibly adding a new victim advocate position. In addition, the FY12 application renewal would replace the cash match with in-kind match, thereby saving the county at least \$27,708 in matching funds. The transfer would not incur any additional cost to the county for the remainder of the grant year which ends September 30, 2011. The current grant creates no financial benefit for Court Administration yet they have been having the burden of grant reporting and grant management.

C. Financial Impact

Richland County will incur no additional financial impact for the current grant cycle that ends September 30, 2011.

Funding Program	Grant Portion	County Match	Total
Violence Against Women Act (CDV)	\$83,122	\$27,708	\$110,830

D. Alternatives

1. Approve the request to transfer management of the CDV grant to the Solicitor's Office
2. Disapprove the request to transfer CDV grant to the Solicitor's Office.

E. Recommendation

It is recommended that Council approve the transfer of the Violence Against Women Act grant from Court Administration to the Solicitor's Office to provide enhanced administration and reporting of the grant.

Recommended by: Dan Johnson Department: Solicitor's Office

Date: April 7, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/12/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date: 4/12/2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Human Resources

Reviewed by: Dwight Hanna

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Based on the contents of the ROA, which state that greater oversight, enhanced reporting and the County would not expend additional funds Human Resources recommends. However, Human Resources does not have direct knowledge of this request.

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 4/21/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to transfer management of the CDV grant to the Solicitor's Office. The recommendation is based upon the constraint that there would be no financial impact to the County associated with the transfer of the grant.

Richland County Council Request of Action

Subject

Revision to Richland County Employee Handbook to Expand Groups Protected from Discrimination [pages 82-84]

Reviews

Richland County Council Request of Action

Subject: Revision to Richland County Employee Handbook to Expand Groups Protected from Discrimination

A. Purpose

Consider amending the current language in the Employee Handbook that currently states;

“Equal Employment Opportunity

It is the policy of the County to provide equal opportunity to all applicants for employment, and to administer hiring, compensation, training, promotions, transfer discipline, and other terms and conditions of employment without discrimination in regards to of race, color, religion, gender, disability, age or national origin. Anyone who believes that he/she has been discriminated against in violation of this policy should report the matter to their supervisor or Department Head, Human Resources Department, the Ombudsman’s Office or Employee Protection Line.”

The proposed language;

“Equal Employment Opportunity

It is the policy of the County to provide equal opportunity to all applicants for employment and to administer hiring, compensation, training, promotions, transfer discipline, and other terms and conditions of employment without discrimination in regards to race, color, religion, gender, disability, age, national origin, sexual orientation, or gender identity. Anyone who believes that he/she has been discriminated again in violation of this policy should report the matter to their supervisor or Department Head, Human Resources Department, the Ombudsman’s Office or Employee Protection Line.”

B. Background / Discussion

This ROA was prepared based on a motion from County Council Member Rose.

C. Financial Impact

There could be a financial impact if employees were permitted and added additional dependents on County insurance plans, based on the expanding the protected classes.

D. Alternatives

1. Approve the request to expand the protected groups from discrimination.
2. Do not approve request to expand the protected groups from discrimination.

E. Recommendation

Recommended by: Council Member Rose

Department: County Council

Date:

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council but we would recommend that the financial impact be determined prior to finalizing a change.

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: At County Council's discretion.

Human Resources

Reviewed by: T. Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a decision at the discretion of County Council. Human Resources supports providing equal employment opportunities in the hiring process for all individuals. If this expansion includes benefits there could be some additional cost relating to dependent coverage.

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 4/21/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the proposed amendment to the Employee Handbook. With respect to the HR Director's comments above concerning additional costs for benefits possibly resulting from the amendment, the South Carolina Constitution provides certain protections to local governments in this case. The following language is excerpted from the Constitution:

SECTION 15. Lawful domestic unions recognizable in State; domestic unions created in another jurisdiction.

A marriage between one man and one woman is the only lawful domestic union that shall be valid or recognized in this State. This State and its political subdivisions shall not create a legal status, right, or claim respecting any other domestic union, however denominated. This State and its political subdivisions shall not recognize or give effect to a legal status, right, or claim created by another jurisdiction respecting any other domestic union, however denominated. Nothing in this section shall impair any right or benefit extended by the State or its political subdivisions other than a right or benefit arising from a domestic union that is not valid or recognized in this State. This section shall not prohibit or limit parties, other than the State or its political subdivisions, from entering into contracts or other legal instruments. (2007 Act No. 7.)

Richland County Council Request of Action

Subject

Richland County Transportation Study Commission Funding [pages 86-88]

Reviews

Richland County Council Request of Action

Subject: Richland County Transportation Study Commission Funding

A. Purpose

Council is requested to review the information below, per a motion made by Councilman Malinowski at the March 15, 2011 Council Meeting, and direct staff, if applicable.

B. Background / Discussion

The following motion was made at the March 15, 2011 Council Meeting by Councilman Malinowski:

To have staff obtain and provide council information as it relates to Richland County Transportation Committee spending to include the number of studies conducted, the amount spent, and the companies that received those amounts.

[Malinowski]: Council forwarded the item to the A&F Committee.

In October 2006, Richland County Council established by ordinance the Richland County Transportation Study Commission (TSC) (Ordinance Number 091-061HR). The 39-member Commission included three standing subcommittees: Greenways and Pedestrian Modes, Vehicular Traffic Improvements/Roads, and Public Transit.

In May 2007 Richland County commissioned a study by Parsons Brinkerhoff (PB) to analyze the County's transportation system, identify needs, develop projects and explore funding options. The study was completed, and a final report submitted to Richland County in May 2008.

The Richland County Transportation Study's principal goal was to define transportation issues within the County and develop alternatives for creating a coordinated intermodal transportation plan. The study focused on correcting problem areas and increasing the existing transportation system's overall efficiency, accessibility, and level of service in the short term. It also included developing recommendations to coordinate land use and transportation planning initiatives for 2025 and beyond. The study's objectives included:

- Analyze existing status of transportation system in the County, including local funding sources.
- Identify transportation needs for the next 25 years and develop a comprehensive list of projects and order-of-magnitude cost.
- Assist Richland County decision-makers in understanding potential transportation funding options, magnitudes, and challenges as they consider and select candidate sources for further analysis.

- Provide an understanding of likely sources of new local revenue to fund projects.

Upon adoption of the plan by the TSC Executive Committee, the plan was presented to Richland County Council. Upon review of the plan by County Council, there was not enough support from the Council Members to include it on the November 2008 referendum.

The purpose of the December 2009 PB study was to update the project cost and revenue numbers presented in the prior study. The goal was to estimate realistic project cost and revenue forecasts based on existing economic conditions and develop a 25-year comprehensive transportation plan. The scope of services for the study was as follows:

- Review the original project cost and revenue forecasts as presented in the Richland County Transportation Study. This included review of existing funding sources and also the study-recommended “local option transportation sales tax”.
- Work with Richland County and SCDOT to obtain latest sales tax information and local construction cost information to update the cost and revenue estimates.
- Estimate revenue streams over a 25-year period, including a range of low-medium-high forecasts through sensitivity analysis of tax rates.
- Update and provide project cost information in current dollars.
- Assist Richland County to prioritize projects and develop construction timelines to match revenue forecasts over the 25-year period.

Parsons Brinkerhoff was paid \$571,718.35 to conduct the two aforementioned studies.

The first study cost \$531,718.35, and the second study cost \$40,000.

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

C. Financial Impact

There is no financial impact associated with this particular Request of Action, as the motion was merely a request for information.

D. Alternatives

1. Receive this item as information.
2. Provide direction to staff as it relates to this item.

E. Recommendation

By: Motion by Councilman Malinowski Date: March 15, 2011 Council 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: 3/25/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. No recommendation in ROA.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: J. Milton Pope

Date: 4-20-11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration has provided the support materials for the motion and seeks further guidance from the Committee/Council.

Richland County Council Request of Action

Subject

Temporary lease for the use of the Curtiss-Wright Hangar at Hamilton-Owens Airport [pages 90-99]

Reviews

Richland County Council Request of Action

Subject: Temporary lease for the use of the Curtiss-Wright Hangar at Jim Hamilton – LB Owens Airport (CUB)

A. Purpose

County Council is requested to approve the negotiation and execution of a lease between Richland County and the South Carolina Historic Aviation Foundation for the temporary use of the Curtiss-Wright Hangar at the Jim Hamilton – LB Owens Airport (CUB).

B. Background / Discussion

The Curtiss-Wright Hangar was first constructed in 1929 when the airport was first built. It is believed to be one of only two such structures remaining in the Nation. In 1998 it was listed on the *National Register of Historic Places*. There was formerly a lease between Richland County and the Celebrate Freedom Foundation for the restoration of the hangar, but that lease was terminated by mutual agreement in December 2010 without the restoration of the hangar being accomplished. Though the hangar is in poor condition, initial efforts are under way at the staff level to assess the viability of its eventual restoration.

The South Carolina Historic Aviation Foundation is a non-profit organization which has been formed to provide stewardship and restore the World War II era B-25C Bomber known as “Skunkie.” This bomber was retrieved from Lake Greenwood where it crashed while on a training mission in June 1944. It has been partially restored and is physically located on the apron near the Curtiss-Wright Hangar.

The leadership of the SCHAF requested permission from the Richland County Airport Commission to keep the B-25C Bomber in the Curtiss-Wright Hangar for a period of twelve months. While the Curtiss-Wright Hangar is in poor condition, it would provide some degree of cover for the aircraft and protection from the elements. The Airport Commission voted in their January 2011 meeting to recommend that the Richland County Council approve this request with the following conditions:

- ➔ The period of the lease shall be for up to twelve months in duration;
- ➔ The SCHAF must hold liability insurance in an amount acceptable to Richland County;
- ➔ The SCHAF must hold Richland County and Eagle Aviation, our FBO, harmless;
- ➔ The CWH can only be used for the storage of the B-25C Bomber owned by SCHAF and commonly known as “Skunkie”;
- ➔ The SCHAF cannot disassemble or work on restoration of the aircraft;
- ➔ The SCHAF cannot conduct fundraising or public events within the CWH;
- ➔ The SCHAF must vacate the CWH within 30 days of notification by Richland County.

A draft, standard hangar lease has been modified and reviewed by the Richland County Attorney to address this agreement. The SCHAF is a newly formed organization and has requested that no rental fee be charged for this twelve month period.

C. Financial Impact

The Curtiss-Wright Hangar has not been leased in the past as revenue-producing hangar space. In its current condition, it is not viable for a revenue-producing lease. There is no gain or loss of airport revenue associated with this request.

D. Alternatives

1. Approve the request to lease the Curtiss-Wright Hangar to the SCHAF based on the draft lease agreement attached.
2. Do not approve the request to lease the Curtiss-Wright Hangar to the SCHAF.

If the request to enter into a lease agreement with the SCHAF for use of the Curtiss-Wright Hangar is not approved, the SCHAF will have to move the B-25C Bomber to another location for its short term storage. There is no other available hangar of sufficient size on the airport to house the B-25C Bomber.

E. Recommendation

It is recommended that Council approve the request to authorize the County Administrator to finally negotiate and execute a lease of the Curtiss-Wright Hangar based on the draft lease provided herein.

Recommended by: Christopher S. Eversmann, PE
Department: Airport
Date: April 12, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 4/13/11
 Recommend Council approval ✓ Recommend Council denial
 Comments regarding recommendation: We would recommend that Council consider a third alternative that the lease negotiation be approved but that some rental fee be required to cover the usage of the hanger. Currently the General Fund is subsidizing the Airport operation for about \$100k per year. Any fee agreement may reduce the annual subsidy burden on the general fund.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/13/11
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: No recommendation

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval:

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Tony McDonald

Date: 4/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the proposed temporary lease for a period of up to twelve months, with an option to terminate the lease at any time upon thirty days notice. The question of rent will be negotiated with the lessee.

STATE OF SOUTH CAROLINA }
COUNTY OF RICHLAND }

HANGAR LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this _____ day of _____, _____ by and between the County of Richland, State of South Carolina hereinafter referred to as "Lessor" and _____ hereinafter referred to as "Lessee".

NOW THEREFORE, in consideration of the mutual promises and conditions hereinafter contained, the parties hereto agree as follows:

1. LEASED PREMISES: The Lessor does this day lease unto the Lessee, those certain premises described as the Curtiss-Wright Hangar, owned by the County of Richland and more fully described and shown on a diagram of leased premises maintained by the Lessor. The aircraft to be stored in leased premises is described as follows:

North American, B-25C Mitchell Bomber, Commonly known as "Skunkie" and no other aircraft

2. TERMS: The term of the lease shall be for a period of up to twelve months, commencing on the _____ day of _____, _____ and ending on the _____ day of _____, _____ this lease supersedes any and all other agreement between the parties concerning these leased premises. ~~The Lessee agrees to pay to Lessor, a monthly rental of \$_____ plus any tax, charge or levy imposed by governmental authority, payable in advance commencing on _____, and on the first day of each month thereafter.~~

~~Rental payments are to be mailed or delivered to:~~

~~_____ Eagle Aviation, Inc.
_____ 2861 Aviation Way
_____ West Columbia, SC 29170~~

~~or to such other address as hereinafter directed by Lessor. Any rental payment received by Lessor more than five (5) days from the date due shall be subject to a late charge of twenty-five and no/100 (\$25.00) dollars which late charge is immediately due and payable. In the event Lessee fails to remit such late charge, the same may be deducted from Lessee's security deposit.~~

~~Upon the execution of this agreement, Lessee shall pay to Lessor a security deposit equal to the sum of one month's rent, said security deposit to be held by Lessor to insure faithful performance of this lease. Upon termination of this lease, Lessor shall promptly inspect the leased premises and if damages exist, ordinary wear excepted, cause such damages to be repaired with cost of such repairs to be accessed against the security deposit. If during the term of the lease, Lessor is required to make repairs for damages determined to be caused due to fault of the Lessee or his/her family, invitees or guest, the cost thereof may be deducted from the security deposit. In such event, Lessee shall have fifteen (15) days to restore said security deposit to its full sum. If, at the termination of this agreement no damage or arrearage exists, said security deposit shall be returned in full, to Lessee.~~

3. USE OF LEASED PREMISES:

(a) The leased premises shall be used as a storage facility for the Lessee's own aircraft said aircraft being specifically identified in paragraph one (1) of this agreement. The Curtiss-Wright Hangar shall be used by the Lessee exclusively for the storage of the B-25C Bomber commonly known as "Skunkie". No other aircraft may be stored at said hangar, nor shall any work, disassemblage, or restoration be done on the aircraft while in the hangar.

(b) All activity and use by the Lessee shall be in strict compliance with all applicable statutes, ordinances, rules, orders, regulations and other requirements of the Federal, State, County and Municipal governments. All such regulations now existing and any changes or amendments made hereafter are hereby incorporated in the terms of this agreement as if set out verbatim. Failure of compliance by the Lessee, with such regulations shall be deemed a breach of the terms of this agreement and may result in immediate forfeiture of all right, title and interest in the leased premises.

(c) No hangar shall be used as a business location or in any way to generate revenues or reimbursement to the Lessee incident to the sale of parts, maintenance for hire, fuel sales, instruction for hire or other activity of a commercial or business nature. Lessee shall not conduct public fundraising or public events within the Curtiss-Wright Hangar.

4. MAINTENANCE:

(A) The Lessee hereby accepts the premises "AS IS" at the beginning of this lease and agrees to maintain said premises in the same condition and order, excepting any ordinary wear and tear and to reimburse, indemnify or otherwise accept responsibility to the Lessor for any damage to the premises or appurtenances caused by an act or neglect of Lessee, his/her agents, servants, employees or invitees.

(B) Any additions, alterations, modifications or construction by the Lessee of any kind relating to the leased premises must be expressly approved, in writing, by the Lessor before commencement of such construction. Lessee will insure that all work be in strict compliance with applicable building and fire codes. Any addition, fixtures or improvements which may be made by Lessee shall become the property of Richland County and be surrendered with the premises at the termination of this lease.

(C) Lessee agrees to keep the leased premises free of any mechanics' or material men's liens or other liens of any kind or nature for any work done, labor performed, or material furnished thereon at the instance of the Lessee, and Lessee further agrees to indemnify and save harmless Lessor from and against any and all claims, liens, demands, costs and expenses of whatsoever nature for any such work done, labor performed or materials furnished.

(D) Lessor and its agents, Richland County Airport Commission and authorized governmental agencies will have right of entry, without notice, to enter upon the premises to inspect for compliance with the terms of this lease and with applicable governmental regulations, make repairs or to exhibit the premises.

5. ASSIGNMENT OR SUBLEASE:

(a) The assignment, sub-lease or assumption of this lease is expressly prohibited.

6. DESTRUCTION OF PREMISES:

In the event the premises shall be destroyed or damaged by fire or other casualty during the term of the lease, whereby the leased premises are not rendered tenantable within ninety (90) days there from, it shall be optional with either party to cancel this lease.

Cancellation notice must be given in writing and rent due and payable only to the date of the fire or casualty.

It is hereby agreed and understood between the parties that if Lessor decides to remodel, alter or demolish all or any part of the leased premises, the Lessee agrees to vacate the premises upon receipt of thirty (30) days written notice.

7. HOLD HARMLESS AND INSURANCE:

(a) Lessee shall indemnify and hold harmless the airport Fixed Base Operator, the Richland County Airport Commission, and the County of Richland from and against any and all claims, demands, loss or liability of any kind or nature which parties may sustain or incur, or which may be imposed upon them or any of them for injury to, or death of persons, or damage to property arising out of or in any manner connected with the negligence of lack of care of Lessee or above-named parties in the use of the leased premises or in the use of the airport known as Jim Hamilton-LB Owens Airport and its facilities.

(b) All aircraft or other personal property placed or moved in the leased premises shall be at the risk of the Lessee or owner thereof, and Lessor shall not be liable for any damage to said personal property or Lessee arising from the intentional or negligent act of any Co-Lessee or any other person whomsoever, nor for any damage caused by winds, rains, roof leakage, or theft. Lessee acknowledges, understands and agrees that the relationship created hereunder is that of Lessor and Lessee and no bailment is created or intended, whether express or implied.

(c) The Lessee shall obtain and maintain continuously in effect at all times during the term of this Agreement, at Lessee's sole expense, a Comprehensive General Liability insurance, protecting Owner against any and all liability by reason of Lessee's conduct of its business at the Airport, or resulting from any accident occurring on or about the roads, driveways or other public places, including runways and taxiways used by Lessee at the Airport, caused by or arising out of any wrongful act or omission of Lessee, in the minimum amount of \$1,000,000.

8. SUBORDINATION AND ATTORNMENT:

This lease is subject and subordinate to the lien of all mortgages now or at any time hereafter placed on any part of the demised premises. Lessee agrees, upon request, to execute

such further instruments evidencing such subordination as Lessor or as any mortgagee of Lessor may request, and, if Lessee fails to do so, it is expressly understood that this lease shall constitute a Power of Attorney in favor of Lessor empowering the Lessor to do so in the name of the Lessee. Lessee agrees that in the event proceedings are brought for foreclosure of any mortgage now or hereafter placed on any part of the demised premises, it does hereby attorn to the mortgagee and/or purchaser at the foreclosure sale and their successors and assigns.

9. LESSOR'S LIEN:

The Lessee hereby pledges and assigns to the Lessor all of the personal property, goods and chattels which shall or may be brought or put on said premises as security for the payment of the rent reserved herein, and the Lessee agrees that the said lien may be enforced by distress foreclosure or otherwise at the election of Lessor, and Lessee agrees to pay Lessor's reasonable attorney's fees incurred thereby.

10. ATTORNEY'S FEES:

Lessor shall be entitled to recover a reasonable attorney's fee and costs in connection with any action or proceeding to enforce this lease, or to otherwise secure any rights reserved under this lease or as may be accorded by law. The Lessor shall have the right, in its sole discretion, to apply the security deposit toward payment of attorney's fees and costs.

11. TERMINATION BY DEFAULT:

The prompt payment of the rent for the premises upon the dates named, the faithful observance and compliance with all other terms contained herein and the faithful observance and compliance with all of Lessor's rules are the conditions upon which this lease is made and accepted and any failure on the part of Lessee to strictly comply with said provisions shall, at the option of Lessor, work forfeiture of this lease and Lessor shall be entitled to terminate this lease, and, thereupon the Lessor, its agents and attorneys shall have the right to enter the premises and remove all persons and property therefrom and release the premises. In the event the Lessee holds over upon termination by Lessor, Lessor shall be entitled to recover from Lessee double the sum of rent payable hereunder for the term of any such holdover.

In addition to the above, this Lease may be terminated by Lessor for any reason or no reason with thirty (30) days written notice to Lessee. If such Termination is effected, Lessee must vacate the premises by the end of the thirty (30) day notification period.

12. PRORATION OF RENT:

In the event the term of this lease commences on a day other than the first day of a month, the rent reserved hereunder shall be prorated for that portion of the month until the first day of the following month and shall be payable in advance.

13. BANKRUPTCY:

If the Lessee shall become insolvent, make an assignment to creditors or if bankruptcy proceedings shall be commenced by or against Lessee, before the end of the term hereof, the Lessor is hereby irrevocably authorized to forthwith cancel this lease as a default of the terms hereof.

14. TIME OF ESSENCE:

It is understood and agreed between the parties that time is of the essence of this lease and this applies to all terms and conditions contained herein.

15. NOTICES:

All notices hereunder shall be mailed or delivered to the respective parties at the address indicated below.

16. WAIVER OF RIGHT OF RECOVERY:

The Lessee waives his right of recovery in excess of any valid and collectable insurance. The hangar keeper's liability insurance is two hundred and fifty thousand (\$250,000.00) dollars on any one aircraft subject to a limit of two hundred fifty thousand (\$250,000.00) dollars on any once accident. Lessee hereby acknowledges disclosure of a waiver requested and received from the City of Columbia to the requirement in S404.3 of the City Code which requires construction of one hour firewalls with 3,000 sq. ft. in the hangars. Lessee agrees to indemnify and hold harmless the Richland County Airport Commission, The County of Richland and the City of Columbia from any claims, causes of actions, suits or other legal action arising out of such waiver.

17. CUMULATIVE RIGHTS:

The rights of the Lessor hereunder shall be cumulative, and failure on the part of the Lessor to exercise promptly any rights hereunder shall not operate to forfeit any of the said rights.

18. BINDING EFFECT:

This lease shall bind the Lessor and its successors and assigns, and the heirs, assigns, administrators or successors, as the case may be of the Lessee.

Lessee shall not record or cause to be recorded this lease or any memorandum thereof.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year above written.

LESSEE:

By: _____
Address: _____

LESSOR:

By: _____
Address: _____

Richland County Council Request of Action

Subject

To adopt a public accommodations ordinance consistent with the City of Columbia [pages 101-106]

Reviews

Richland County Council Request for Action

Subject: To adopt a public accommodations ordinance consistent with the City of Columbia

A. Purpose

This request is, per Mr. Rose's motion, to adopt a public accommodations ordinance consistent with the City of Columbia.

B. Background / Discussion

During the Motion Period of the April 5, 2011, County Council meeting, Mr. Rose made the following motion:

Motion that County Council adopt the attached public accommodations ordinance. This ordinance prohibits entities from discriminating against a citizen because of race, color, religion, sex, age, national origin, familial status, handicap/disability, or sexual orientation. This ordinance is an exact replica of what the City of Columbia passed in 2008 and in the interest of prohibiting discrimination in any form and regional consistency I motion that County Council adopt it as submitted.

The above referenced City of Columbia ordinance was used to create the attached ordinance. The language of the two ordinances is identical.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Adopt the public accommodations ordinance.
2. Do not adopt the ordinance.
3. Adopt the ordinance with revisions.

E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean Department: Legal Date: 4/12/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 4/14/11
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

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

Administration

Reviewed by: J. Milton Pope Date: 4-21-11
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY**

ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; BY THE ADDITION OF ARTICLE VI, EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS; SO AS TO PROHIBIT DISCRIMINATION IN THE EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; is hereby amended by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations, to read as follows:

ARTICLE VI. EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS

Sec. 16-65. Title.

This article shall be known and may be cited as the Richland County "Public Accommodations Ordinance."

Sec. 16-66. Policy.

It is the policy of Richland County that no person shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation on the basis of race, color, religion, sex, age, national origin, familial status, handicap, disability or sexual orientation.

Sec. 16-67. Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this article shall have the following meanings:

Disability means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such an impairment or being regarded as having such an impairment.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, familial status, handicap, disability or sexual orientation in the aiding, abetting, inciting, coercing or compelling thereof.

Place of public accommodation means any place which serves the public and requires a license or permit issued by the State of South Carolina, its agencies, or Richland County to operate, including, but not limited to:

- (1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;
- (3) Any hospital, clinic, or other medical facility which provides overnight accommodations;
- (4) Any retail or wholesale establishment;
- (5) Any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and,
- (6) Any establishment which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

Sexual orientation means a person's real or perceived heterosexuality, homosexuality or bisexuality or gender identity or expression.

Sec. 16-68. Exemption from public accommodations provisions.

The provisions of this article do not apply to a private club or other establishment not in fact open to the general public.

Sec. 16-69. Purpose of law; construction; effect.

The general purpose of this article is to safeguard all individuals within the unincorporated areas of Richland County from discrimination in the equal enjoyment and privileges to public accommodations because of race, color, religion, national origin, sex, familial status, handicap, disability or sexual orientation; thereby to protect their interest in personal dignity and freedom from humiliation; to secure Richland County against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the Richland County.

Sec. 16-70. Enforcement.

In addition to appropriate civil and/or equitable remedies for enforcement of this article, a violation of this article shall constitute a misdemeanor punishable as provided by law. Each day of noncompliance with the provisions of this article constitutes a separate and distinct violation.

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article V, Marriage Licenses; is hereby amended by the addition of the following language to read as follows:

Secs. 16-62—16-64. Reserved.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Use the Debt Collection Program to Recover Outstanding Debt [pages 108-110]

Reviews

Richland County Council Request of Action

Subject: USE THE DEBT COLLECTION PROGRAM TO RECOVER OUTSTANDING DEBT

A. Purpose

County Council is requested to approve the use of the Setoff Debt Collection Program (GEAR) offered by the South Carolina Association of Counties to collect delinquent money owed to the County’s Community Development Department from beneficiaries of County HOME Investment Partnership Program and Community Development Block Grant.

B. Background / Discussion

Richland County offers rehabilitation loans to low to moderate income families for homeowner occupied rehabilitation projects. The purpose is to maintain homeownership possibilities for a family that can not obtain a traditional loan through a bank or mortgage company. The loan program is designed to assist heads of households who are ineligible for our deferred forgivable loan program. For purposes here, ineligible is based upon homeowners who are neither elderly nor disabled. To date, we have provided a delinquent mortgage loan in the amount of \$35,000 for a term of 15 years at 2% interest rate. The monthly mortgage payment including PITI is \$368.14. The loan is currently delinquent and owner has an outstanding delinquent balance of approximately \$9,570. The loans issued by Richland County are serviced by First Citizen’s Bank.

The Community Development Department has taken steps to collect the mortgage debt. The borrower filed Chapter 13 in 2008 and the arrearage of the County loan is currently under bankruptcy protection. The debtor was to resume mortgage payments to the County July 2008 and has not fulfilled that obligation either. Community Development has met with Richland County legal staff regarding the delinquency. Legal advised that the GEAR program might be a viable option to collect delinquent debt. The GEAR Program, the best strategy to collect outstanding loans, will allow the County to seize State Income Tax returns each year until delinquent debts are paid in full.

C. Financial Impact

The County currently pays First Citizen’s approximately \$300.00 annually for debt collection services. The County also pays the taxes and insurance as condition of the mortgage loan.

Currently the County has 3 loans with a total outstanding balance of \$57,198.09. The following table summarizes the loans:

Loan Type	Loan Amount	Amount Paid to Date	Outstanding Total Balance
Homeowner Mortgage 15 year term at 2% interest	\$35,000.00	\$2,534.31	\$32,465.69
Housing Rehabilitation	\$25,000.00	\$13,007.30	\$11,992.70
Housing Rehabilitation	\$15,180.00	\$2,440.30	\$12,739.70

D. Alternatives

1. Approve the request to approve the use of the Setoff Debt Collection Program (GEAR) offered by the South Carolina Association of Counties to collect delinquent money owed to the County’s Community Development Department from beneficiaries of County HOME Investment Partnership Program and Community Development Block Grant.
2. Do not approve the use of the Setoff Debt Collection Program (GEAR) offered by the South Carolina Association of Counties to collect delinquent money owed to the County’s Community Development Department from beneficiaries of County HOME Investment Partnership Program and Community Development Block Grant.
3. Foreclose on the property with outstanding delinquent mortgage. The mortgage note as recorded states that we can seize the property through a foreclosure process.
4. Do not foreclose, do not collect and allow the borrower to occupy the property owned by the County without meeting the loan obligation.

Please note: The County is obligated to comply with Federal regulations concerning the investment of HOME and CDBG funds.

D. Recommendation

It is recommended that the County approve the use of the Setoff Debt Collection Program (GEAR) offered by the South Carolina Association of Counties to collect delinquent money owed to the County’s Community Development Department from beneficiaries of County HOME Investment Partnership Program and Community Development Block Grant.

Recommended by: Valeria Jackson Department: Community Development
Date: March 2, 2011

F. Reviews

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

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: 4/14/11
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: 4/14/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Grants

Reviewed by: <u>Sara Salley</u>	Date: 4/19/2011
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, if the county currently has an arrangement with First Citizens for debt collection, that arrangement may need to be terminated so that the county doesn't have two vendors duplicating services.

In addition, the county needs to determine if the SCAC will charge a fee for their services. If so, the cost of these services may need to be taken into consideration.

Administration

Reviewed by: Sparty Hammett

Date: 4/20/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to approve the use of the Setoff Debt Collection Program (GEAR) offered by the South Carolina Association of Counties to collect delinquent money owed to the County's Community Development Department from beneficiaries of County HOME Investment Partnership Program and Community Development Block Grant. This program would be used by Community Development for delinquent debt collection services, beyond the current collection services currently provided by First Citizens.

Richland County Council Request of Action

Subject

Vote Federal Accessibility Grant to Election Commission [pages 112-113]

Reviews

Richland County Council Request of Action

Subject: VOTE Federal Accessibility Grant to Election Commission

A. Purpose

County Council is requested to accept a grant in the amount of \$36,502.25 from the Help America Vote Act (HAVA) Health & Human Services (HHS) Voting Access For Individuals with Disabilities (VOTE).

B. Background / Discussion

HAVA is a United States federal law which was signed into law in 2002. HAVA mandates that all states and localities upgrade many aspects of their election procedures and provides grants to eligible jurisdictions to make those improvements. The Secretary of Health and Human Services is authorized to make payments to state and local governments for making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation as or other voters. (Our current iVotronic voting systems was purchased using HAVA funds.) South Carolina has been awarded \$67,000 for the 2011-2012 HAVA grant programs. As before, use of these funds are on a first-come, first-used basis.

The Richland County Election Commission plans to purchase 135 Vote Here signs with the International Symbol of Accessibility, and 20 Ballotcall Election Alert Systems for selected precincts to alert poll workers of a voter outside who needs curbside assistance.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the request to accept the HAVA grant in the amount of \$36,502.25.
2. Do not approve

E. Recommendation

"It is recommended that Council approve the request to accept the HAVA grant.

Recommended by:
P. Michael Cinnamon

Department:
Elections

Date:
March 24, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/6/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date: 4/6/2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope

Date: 4-20-11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval

Richland County Council Request of Action

Subject

Clarification of Budget Motion [pages 115-116]

Reviews

To amend Section 16 of the budget ordinance as follows: “The County Administrator is granted authority to redirect budget dollars and transfer up to \$100,000 between all departments within the same fund. This shall include the transfer of one unfunded position.”

Verbatim Minutes

June 15, 2010

Mr. Livingston: I have a motion here that I passed out to you. This is not a motion in regard to adding or taking away from the budget, but it came about in a discussion with the Vice Chair and I had with the County Administrator. I’ll explain the motion once I read it. The County Administrator is granted authority to redirect budget dollars and transfer up to \$100,000 between all departments within the same fund. This shall include the transfer of one unfunded position. And the reason we thought this was real important is for example if the Administrator feels like there’s a need to make a change from one department to the next one and not being able to do that could hamper the process of getting things done. And the reason we said one because also too we don’t want complete departments changed. But, at least, if you can save money by shifting one person to another position and a little bit of funding that certainly can make his job a lot easier, so, all that is to simply make that amendment to the budget ordinance. Chair entertain a motion reference that amendment.

Mr. Jeter: I make the motion that we amend Section 16 of the budget ordinance that the County Administrator is granted authority to redirect budget dollars and transfer up to \$100,000 between all departments within the same fund. This shall include the transfer of one unfunded position.

Ms. Dickerson: Second.

Mr. Livingston: Moved properly seconded...Mr. Malinowski...

Mr. Malinowski: Can you explain further the last line comment the transfer of one unfunded position?

Mr. Livingston: Let’s say, for example, it may be better served instead of hiring someone to switch them and money to another department or something of that nature. It would be easy to do that if you give that money to the Administrator. See what I’m saying?

Ms. Kennedy: No.

Mr. Livingston: Let’s say, for example, you got the Planning...any department and you decide it would be better if this person worked in that department and I

can shift them over and shift the fund with them. It would be a lot easier for the Administrator.

Mr. Malinowski: That's transferring an already funded position to a department.

Mr. Livingston: Yeah, but to make that other department more effective the other department don't need it. What's wrong with that?

Mr. Malinowski: Because you're saying transfer of one unfunded position. The person you're transferring is already funded. So, therefore, you ought to say the transfer of one funded position.

Mr. Livingston: What I was referring to that position wouldn't be funded in the previous department...transfer the money and the person. We wouldn't have the funds in the department for it, so transfer the person and the funds. Now why doesn't that make sense?

Mr. Malinowski: Because that means you're transferring a funded position and a funded person to the department.

Mr. Livingston: Well you can say it that way. That will be the same thing.

Mr. Malinowski: It's not the same thing. Unfunded means there are no funds. Funded means there are.

Mr. Livingston: What you're transferring is the funds and the person.

Mr. Malinowski: Alright if we can word it that way.

Mr. Livingston: Any other discussion? There being none. Those in favor of the motion say aye...opposed nay. Motion carries.

Richland County Council Request of Action

Subject

Timeline for County Administrator's Evaluation [page 117]

Reviews

Items Pending Analysis

Subject

a. Sewer Tap Fee Assistance Program (Malinowski-November 2010)

Reviews