



Richland County Council
Rules and Appointments Committee
November 9, 2021 – 4:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, Gretchen Barron, Jesica Mackey

OTHERS PRESENT: Paul Livingston, Derrek Pugh, Overture Walker, Cheryl English, Michelle Onley, Tamar Black, Angela Weathersby, Kyle Holsclaw, Justin Landy, Steven Gaither, Ashiya Myers, Brittney H. Terry, Shane Kitchen, Dwight Hanna, Jennifer Wladischkin, Patrick Wright, Leonardo Brown and Dale Welch

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 4:00 PM.
2. **APPROVAL OF MINUTES** – Ms. Barron moved, seconded by Ms. Mackey, to approve the minutes as distributed.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. Mackey, to adopt the agenda as distributed.

In Favor: Malinowski, Barron and Mackey

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. All County Council contracts and agreements adopted by a majority vote of full Council will require a majority vote of full Council to amend and/or change [NOTE: This motion should be taken up as soon as possible, and not be addressed with the overall Council Rules update.] [LIVINGSTON – July 13, 2021] – Mr. Malinowski noted he did not see any changes in the briefing document from the previous meeting.

Ms. Barron responded there some minor changes in the verbiage as it related to plurality.

Mr. Malinowski noted his concern is the language states, “A motion to temporarily suspend any rule requiring a majority vote shall require unanimous consent of those present”, which means one “no” vote would prevent an item from being added on an agenda.

Ms. Mackey stated, her collection from the previous meeting, we discussed the change, but we held

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it in committee to receive additional information from the maker of the motion. Her interpretation of the motion was looking at contracts and/or agreements, so when a contract is approved by a majority of Council, we cannot go back and change said contract without a majority vote.

Mr. Malinowski stated Robert's Rules allows Council to do that with a plurality vote. Any individual that has a problem can make a substitute motion and state the vote would need to have a majority vote to pass.

Mr. Livingston stated he felt it was unfair for a body to make a decision with the majority of Council and then undo the decision with a minority of Council. For example, Council could hire an Administrator, which requires a majority vote, but we could come out of Executive Session and fire that person with a minority vote. He believes the rules should not allow that.

Mr. Malinowski stated, for clarification, you could only fire that person with four (4) votes if the motion made says, "The majority of the votes cast."

Mr. Livingston stated it was not fair to the people who want to keep an individual. Why would we allow an employee to be dismissed with four (4) votes? Why is fair to accept the opinion of the minority? Why is it fair to the person who was hired?

Ms. Barron stated, as a new Councilmember, when you do not know the rules, you are at a disadvantage. If the new Councilmember does not know they need to do a substitute motion, you are at a disadvantage to the Councilmembers who do. She stated they need to keep the rules clear about what can and cannot happen. She noted this would prevent someone from undoing what the majority has already put forth.

Mr. Malinowski responded he understood the motion. He inquired if the committee wanted to simply send the motion to Council.

Mr. Livingston responded in the affirmative.

Ms. Mackey moved, seconded by Ms. Barron, to forward the motion to Council for approval.

In Favor: Barron and Mackey

Opposed: Malinowski

The vote was in favor.

b. Boards, Committees and Commissions Recruitment

1. Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have as a qualification that the person applying must reside in the unincorporated area of Richland County only. There are some of these positions where other municipalities appoint individual and if a person applying for one of those positions resides in that municipality then they should make application though them [Malinowski – October 6, 2020] – Mr. Malinowski stated based on the fact any actions taken by the following Boards, Commissions and Committees affects only unincorporated Richland County, only residents of unincorporated Richland County should be appointed.

- Board of Zoning and Appeals
- Building Codes Board of Appeal
- Planning Commission
- Hospitality Tax
- Accommodations Tax
- Internal Audit Committee
- Procurement Review Panel

Mr. Malinowski stated the municipalities also collect accommodations and hospitality taxes and have committees that dictate where and how those funds are dispersed. He noted the County also has a committee, but we share with the municipalities. He does not think it is right for someone from a municipality that does not share their funds to serve on a County committee.

Ms. Mackey stated she still has an issue with the Planning Commission. She noted an argument could be made to have both incorporated and unincorporated residents on the Planning Commission. She noted it is their job to make sure they do not select only people who live in municipalities. She noted her district has both City of Columbia and County residents divided by a street, and these residents care about what is being developed and are very involved.

Ms. English stated, at her job, the Disabilities Board has a certain percentage of members with disabilities. She recommended to put similar caveats on certain boards, instead of all or none.

Ms. Mackey noted the ordinance related to the Planning Commission fits that recommendation. It does not have a number, but does give consideration.

Ms. Barron noted she lives in Blythewood, but she has no say in Blythewood because she lives in an unincorporated area. She stated the County has seven (7) municipalities and even though those municipalities have their own committees, they are still a part of a bigger piece.

Mr. Malinowski noted, while some residents share a border with the City of Columbia, when it comes to issues like re-zoning, the City of Columbia would only hear input from City residents. He noted they exclude the County because they do not live in the City, while City residents reside in Richland County, they do not reside in unincorporated Richland County where the action will affect the people.

Ms. Mackey stated Mr. Malinowski is correct the City does not think about the County residents, but she believes the County, as the leader, should. She noted we are working on the Land Development Code Rewrite, and we should think about how the County is growing, and look on both sides of the street. She inquired if the seven (7) boards, commissions or committees would be incorporated into the motion.

Mr. Malinowski responded the motion was to determine which boards, commissions and committees should have a qualification that a person must reside in unincorporated Richland County.

Ms. Barron noted they could determine less or more, and figure out where it applies.

Mr. Malinowski stated the committee needs to determine if any of the committees belong on the list, which ultimately will affect the language in the ordinance.

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Ms. Mackey stated she does not believe the Planning Commission should be included on the list.

Mr. Livingston stated, while people live in the City, they pay County taxes, and they should have representation for their taxes. He noted approximately 25% of the General Fund revenue come from people who reside in the City. He noted people who do not reside in the City do not pay City taxes, which is a distinction we need to keep in mind when considering this motion.

Ms. Barron stated, once the list is created, it needs to go to Council, but we are discussing the list as if it was final.

Mr. Livingston stated the current rules does not prevent Council from selecting only citizens from the unincorporated areas. Currently, we have the authority to do so and not change anything.

Ms. Mackey inquired about the committees in the ordinance that are not actively advertising for, and should they be included for consideration.

Ms. Onley responded those committees have been inactive since her tenure with the County. The ordinance may need to be amended to reflect these committee are inactive.

Mr. Malinowski inquired if Ms. Mackey would send a list of these inactive committees to the Clerk's Office. He stated Council will need to determine if the inactive committees stay in the ordinance.

Ms. Barron noted they may need to reinstate some of the inactive committees, (i.e Youth Commission). She stated she would like to discuss this in committee before forwarding it to Council for action.

Mr. Malinowski noted the ordinance needs to be reviewed and updated to remove outdated information.

Ms. Mackey stated, for clarification, the ordinance would need to be brought forward with new language.

Ms. Onley responded in the affirmative.

Ms. Mackey inquired requested an update on the attendance recordkeeping for the committees.

Ms. Onley responded she was awaiting approval of the descriptions before she sent each entity their updated description and request for attendance records.

Mr. Malinowski stated the Clerk's Office needs to query the board representatives for their attendance records for the last 12 months, so the committee can be proactive.

Ms. Barron inquired if everyone knew of the attendance requirement.

Mr. Onley states she would work on this before the meeting in December.

Ms. Mackey inquired if they would; be doing interviews at the next meeting.

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Ms. Onley responded they will begin interviewing again in December.

2. Based on the fact the Planning Commission makes decisions that affect unincorporated Richland County only, members assigned must reside in unincorporated Richland County [Malinowski – September 21, 2021]

5. **ADJOURNMENT** – The meeting adjourned at approximately 4:37 PM.