



Richland County Council
Employee Evaluation Oversight Committee
November 10, 2020 – 11:00AM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Chakisse Newton, Chair and Bill Malinowski, Yvonne McBride, Joe Walker

OTHERS PRESENT: Jim Manning, Allison Terracio, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Dwight Hanna and Brad Farrar

1. **CALL TO ORDER** – Ms. Newton called the meeting to order at approximately 11:00 AM.
2. **ADOPTION OF AGENDA** – Ms. McBride moved to approve, seconded by Mr. Walker, to adopt the agenda as published.

The agenda was adopted by acclamation.

3. **REVIEW OF CLERK OF COUNCIL POSITION PROFILE** – Ms. Newton stated the profile was sent to Council on October 26th. The position profile was drafted and every member of council was invited to speak with our consultant at Find Great People to provide their input, which brings us to the profile before us. The goal would be that we review and make any desired modifications to this profile, and then request unanimous consent to have it added to our council agenda tonight.

Mr. Malinowski inquired if unanimous consent is required or would you only need a simple majority.

Ms. Newton responded she thought it would require unanimous consent in order to add the item to the meeting agenda. However, if only a simple majority is needed, that would work as well. She noted this particular item is not currently listed on the report out of this committee on tonight's agenda.

Mr. Malinowski inquired if it could be reported out under "Clerk to Council Search Update".

Ms. Newton stated she wanted to make sure we are handling it as appropriately, so if the update works then she is fine with it.

Ms. McBride noted she sent her concerns to all the Councilmembers. In terms of the qualification, she would like to see some changes made, but to ensure we include the issues that will allow the current Interim Clerk to apply for the job and be interviewed.

Ms. Newton stated the previous job description for this position required a Master's degree. The draft position before you requires an Associate's degree. Although it says a Bachelor's degree is preferred, there were concern about the relevant experience and applicants we might get. She proposed a proposed a slight modification of the profile stating, "Bachelor's degree or prior experience with local government is preferred. An Associates' degree in business, government, public administration or related field with six or

more years of direct experience may be considered.” So that allows someone who has worked in that direct role for a period of time to be considered. Again, looking at the information in the profile, it has three (3) or more years of executive administrative experience required, and equivalent combination of education, training and experience that provides the required knowledge, skills and abilities, may be considered.

Ms. McBride noted the suggested language will minimally address her concerns.

Mr. Malinowski stated there is a Clerk to Council organization. The qualifications for this position was recently addressed by this organization, and increasing the qualifications to a Bachelor’s degree was voted down. The majority of the other Clerk to Council’s require an Associates’ degree, and he does not feel that we should be going above that.

Ms. McBride stated those comments from the Clerk to Council Association; however it will be left up to Richland County Councilmembers to determine the qualifications we want.

Ms. Newton responded, from her perspective, when we look at the other things required in this profile, there are things that are required my statute, which are included, and there are additional duties. The requirements of the statute are the floor, but not necessarily the ceiling. In terms of the recommendations she is making, someone that has the relevant experience and an Associate’s degree would still be able to apply for the position. As previously stated, a Bachelor’s degree, and prior local government experience, is preferred.

Ms. Malinowski stated we cite the South Carolina State ordinances and laws on the requirements of the Clerk. If you are an applicant, we are making them research the requirements, as an extra step in the application process. He suggested adding an addendum, so it is complete for the applicants. Also in the position overview is states the clerk performs complex administrative duties, but he has no idea what the complex duties are the Clerk is performing. In addition, it states, “Performs high level administrative duties for the County Administrator...”. The Clerk of Council does not perform duties for the County Administrator. The Clerk answers to the Council, so he thinks that portion needs to be removed.

Ms. Newton responded she voiced a similar concern to Find Great People and was informed the Clerk would interact with the County Administrator to perform County business. She inquired if any of the committee members would have a problem with removing this line from the description.

Ms. McBride agreed with the removal of that description.

Mr. Malinowski noted it states the Clerk, “... ensures expenses have been reviewed and submitted in a timely manner.” For clarification, he inquired if the Interim Clerk she submitted the expenses in a timely manner, and what type of review takes place. He wanted to make sure, if it is not the Clerks’ job to review the expenses, but merely submit them once a councilmember has provided the expenses to the Clerk, then that is what it needs to say. He is not sure how the Clerk will ensure the legitimacy of an expense.

Ms. Newton stated there was a difference between verifying and reviewing. She would hope the Clerk would be able to identify if an expense looks suspicious.

Ms. Onley responded presently the Clerk reconciles the Bank of America statements to make sure the expense and the receipts match. Whatever receipts are submitted by the Councilmember is taken at face value, and not questioned.

Ms. McBride stated she wants to make sure expenses are consistent with the ordinances/policies we have. She noted a number of Councilmembers have concerns regarding the review process. Councilmembers are interested in a developing a better review process to perhaps catch errors that would have gone unnoticed.

Mr. Malinowski responded for the sake of compatibility, it is like our Hospitality Tax, we have a department that reviews to makes sure the requests fall with the lines of the requirements. He would think this would be handled the same way, and the expenses would be sent to them to determine if they are a legitimate expenses.

Ms. McBride stated is an initial review, and this issue was raised before. The Clerk should do the initial review of the expenses.

Ms. Newton noted this is specifically related to travel arrangements "... manages travel arrangements for Councilmembers and ensure expenses have been reviewed and submitted in a timely manner". There seems to be some question around what "ensure" means. She inquired if "reviews and submits expenses in a timely manner" would address the committee's concerns.

Mr. Malinowski responded in the affirmative.

Ms. McBride responded she would like to leave the wording as it is.

Mr. Malinowski inquired about the description "Maintains information on behalf of Richland County Council related to board appointments; orientation and continuing education records; and other county records as required." He was not sure if the Clerk keeps continuing education records for councilmembers.

Ms. Onley stated the Clerk does not traditionally keep continuing education records. The Association of Counties does, but we are able to obtain them upon request. It would not be a problem for the Clerk to maintain the records.

Mr. Malinowski inquired about the description "Maintains a record of leases, contracts, agreements, rights of way, grants, and bonds." He does not believe that comes under the Clerk's job responsibilities, but the various departments would keep these documents.

Ms. McBride noted she believes that language came directly from the Clerk of Council Handbook.

Ms. Onley responded she does not recall it being in the handbook. Currently, she does not maintain copies of those documents. She believes Ms. A. Myers in Administration maintains a copy of those documents in the County's the OnBase system.

Ms. McBride responded this particular description was in the old profile.

Mr. Malinowski noted, if this is something the Clerk is not currently doing, and it would be a duplication of efforts, it does not need to be in the description.

Ms. McBride agreed, as long as the Clerk is able to coordinate production of the documents should Council need them.

Ms. Newton requested Ms. Onley consult the Clerk of Council Handbook about the specific language and report it back to the committee.

Ms. Onley responded in the affirmative.

Mr. Malinowski inquired about the meaning of “...emphasis on the ability to produce extemporaneous and composition and analysis”.

Ms. Newton responded it means to have the ability to think on one’s feet and write coherently and quickly.

Mr. Malinowski inquired about the language, “In partnership with the County Attorney, guides Richland County Council, Richland County Administrator and public in parliamentary procedure and the application and usage of its basic principles”. This is a legal matter and should be struck.

Ms. Newton agreed she has not had experienced the Clerk being involved in parliamentary procedure. It certainly would not hurt if the Clerk were familiar with parliamentary procedure.

Ms. McBride has an issue with striking the language completely. As the Director of the Clerk of Council, the person needs to be familiar with parliamentary procedures. Often times in meetings, Councilmembers are in dispute and we look to Legal. Sometimes Legal is not available, so the Clerk should have knowledge of parliamentary procedure and be able to interact in Legal’s place.

Ms. Newton inquired if adding the word “guide” address Mr. Malinowski and Ms. McBride’s concerns. The Clerk is not responsible for leading, but they can receive a point of inquiry from time to time.

Mr. Malinowski responded, if there is a Legal matter, he would want the Parliamentarian to weigh in and give a definitive response.

Ms. Newton responded this is not legal it is parliamentary procedure (i.e. Roberts’s Rules).

Mr. Malinowski noted Robert’s Rules can have a legal effect depending on the subject matter. He does not believe this is the type of responsibility the Clerk should be burdened with, when we have people that are paid to give us accurate answers to parliamentary procedures.

Ms. McBride responded Legal is not always present at committee meetings. Therefore, she would not mind assistance and guidance in those meeting and she would like to keep the description.

Mr. Malinowski noted he thought Legal was to be present at all meeting, including committee meetings.

Ms. McBride responded that has not always happened; therefore, she believes it is good to have the Clerk able to provide assistance.

Mr. Malinowski stated, for clarification, the Clerk is going to look up the answer to the questions, when every one of us could by picking up the Robert’s Rules book. Again, if he is in a committee meeting and he needs a legal opinion on something, he is not going to trust it to the Clerk. He would prefer to defer the matter until the next meeting or receive an answer by the time it gets to Council.

Ms. McBride stated, as the Director of the Clerk of Council, they should able to provide some guidance.

Ms. Newton noted we can raise this matter again, when we discuss it with full Council. While Robert’s Rules of Order has legal implications, the question would be if we wanted familiarity. She proposed changed the language to “may help” or “may assist” because we are not asking the Clerk to be the Parliamentarian. Ms. Newton reviewed all the changes the committee submitted and inquired if there were any other items that

needed to be addressed.

Mr. Malinowski responded he wanted to make sure the wording was clarified for the "...emphasis on the ability to produce extemporaneous composition and analysis" description.

Ms. McBride stated she wanted to keep the word "analysis" in the description, because often there are policies that come up and a quick analysis is necessary. She also stated that if we want to reduce the responsibilities we should consider reducing the salary.

Ms. Newton responded that she would have a conversation with Ms. Mack with Find Great People about the wording and bring back proposed language.

Ms. McBride stated her issue is not the wording, but to ensure there will be some analysis in it.

Ms. Newton stated that she would send the revisions to full Council prior to tonight's meeting.

Ms. McBride stated she was not sure about the education qualifications. She knows we prefer a Bachelor's degree, but we would accept an Associate's degree, as long as the person has direct experience in Administration, particularly in Richland County. She thinks it should be made clear, this exception is there since we do have someone with that experience, but does not have the Master's or Bachelor's degree. She stated that the salary should be different, if we hire an applicant with an Associate's degree.

Mr. Manning stated, his reason for not giving feedback, is because this is merely a profile for the search firms recruitment purposes, and not the actual position description.

Mr. Hanna requested clarification on Ms. McBride's preferred educational requirements.

Ms. McBride responded her preference, and the last Oversight Committee's preference, was to have someone with at a minimum a Bachelor' degree. However, we wanted to ensure the current Interim Clerk of Council could apply, even if that person did not have a Bachelor's degree.

Mr. Hanna responded he would be willing to work with Ms. Newton about the wording of the educational requirements.

Ms. Newton noted Ms. Onley reviewed the Clerk's Handbook and it state, "the Clerk coordinates follow-up actions such as contracts, easements, etc." She inquired if the committee would like the description regarding bonds to match the description in the Clerk's Handbook.

Ms. McBride responded we should use the language from the handbook.

Mr. Malinowski stated, even though something is in a previous handbook, does not mean changes did not come about. He stated we should find out if this is something that should be done by the Clerk, or if the Clerk should just be aware and know how to refer people to another department.

Ms. McBride responded she believes this is a part of State law.

Mr. Malinowski noted, in response to Ms. McBride's earlier comments regarding education and salary, when we post the position, the posting could state salary depends on experience and/or qualifications.

Ms. Newton inquired, if there would be a chance to edit this profile before a final job description was accepted.

Mr. Hanna responded in the affirmative. The job description could be revised, and if there are essential functions, or key points, he would suggest Council do so, so they are not inconsistent.

Mr. Walker moved, seconded by Ms. McBride, to advance the profile to full a Council with the recommended revisions. In addition, to forward any pending information that requires research and updated language.

In Favor: Malinowski, McBride, Walker, and Newton

Not Present: Livingston

The vote in favor was unanimous.

ADJOURNMENT – The meeting adjourned at approximately 11:56 AM.

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