



Richland County Council
Office of Small Business Ad Hoc Committee
MINUTES
April 25, 2023 - 4:30 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Derrek Pugh, Chair; Jason Branham, Jessica Mackey, and Chakisse Newton

OTHERS PRESENT: Paul Livingston

1. **CALL TO ORDER** – Chairman Derrek Pugh called the meeting to order at approximately 4:00 PM.
Mr. Pugh noted Ms. Barron would be attending the meeting via Zoom.
2. **APPROVAL OF MINUTES**
 - a. March 7, 2023 – Ms. Newton moved to approve the minutes as distributed, seconded by Ms. Mackey.

In Favor: Branham, Pugh, Mackey, and Newton

Not Present: Barron

The vote in favor was unanimous.
3. **ADOPTION OF THE AGENDA** – The County Attorney, Patrick Wright, stated if the committee wished to act on Items 4(a)(1)-4(a)(5) that, the agenda would need to be amended to indicate the items are “Items for Discussion/Action.”

Ms. Mackey moved to adopt the agenda as amended, seconded by Ms. Newton.

In Favor: Branham, Pugh, Barron, Mackey, and Newton

The vote in favor was unanimous.
4. **DISCUSSION/ACTION ITEMS**
 - a. Review of OSBO Ordinances:
 1. *Ordinance 049-13HR – “An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration, Article X, Purchasing; by adding a new division entitled 7, Small Local Business Enterprise Procurement Requirements; and amending Chapter 2, Administration; Article XI, Inquiries and Investigations, so as to renumber the paragraphs therein”*
 2. *Ordinance 039-14HR – “An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 5A, Office of Small Business Opportunity; so that a new department will be created”*
 3. *Ordinance 064-14HR – “An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to abolish the department known as the Office of Small Business Opportunity and instead create it as a division of the office of Procurement”*

4. *Ordinance 058-16HR – “An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to move the division known as the Office of Small Business Opportunity from Procurement so that this division directly reports to the County Administrator”*
5. *Ordinance 010-17HR – “An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County”*

Mr. Wright stated that the Office of Small Business Opportunity currently reports to the Procurement Director. There was a proposal by a previous Administrator that it would be under that office for a year and then report to the Economic Development Committee. There was never an ordinance adopted that solidified the proposal. The committee can determine whether they want it to stay that way or if they want the Office of Small Business Opportunity to report directly to the County Administrator, etc.

Mr. Pugh requested some history on the ordinance.

Mr. Wright responded there are several ordinances. He noted the office previously reported to the Administrator. He cannot say why the reporting structure changed. At this point, Council can determine how they wish to have the reporting structure. There is nothing that mandates the current reporting structure must be maintained.

Mr. Pugh inquired if he is correct when he says these ordinances were established under the Penny Tax Referendum.

Mr. Wright declared the office was initially created due to the Penny Tax Referendum, but it does not have to remain that way.

Ms. Mackey inquired which ordinance listed in the agenda packet is the current ordinance we are operating under.

Mr. Wright responded the most current ordinance is “*Ordinance 010-17HR.*” He expressed that part of the confusion is there was a proposal from the former Administrator that it would operate a certain way for one year and then go under Economic Development, but that was not included in the ordinance.

Ms. Mackey declared the Office of Small Business Opportunity operates hand-in-hand with the Transportation Penny Program, assisting minority businesses with resources related to opportunities with the program. She stated she wanted to ensure that it is not the sole role of the office but a piece of what the office does.

Mr. Wright indicated the establishment was based on the Penny Program, but Council can determine that the office can have a broader umbrella.

Ms. Newton said, for clarification, the current ordinance states the department reports to the County Administrator.

Mr. Wright responded the office currently reports to the Procurement Director.

Ms. Newton questioned the implications of changing the office’s departmental status.

Mr. Leonardo Brown, County Administrator, declared that the specific ramifications deal with the level of responsibilities and duties Council wants the department to have more than the reporting structure. As the Administrator, all the departments flow up to him. One is a direct report. The other would be through a director of their division.

Ms. Newton acknowledged while she understands this was a department created with the Penny Program in mind, as she reads the broad functions of the department, it did not seem limited to the Penny Program. If that is correct, and we wanted the department to continue the same functions, do you envision that requires a broad rewrite of the ordinance or modifications to the current ordinance?

Mr. Wright replied he did not believe there would be a need for a profound change. The only difference would be the ordinance that makes it a standalone division.

Ms. Newton asserted the way she looks at this department is there are two or three functions. One is a broad outreach, awareness, and education function. Then some duties seem procurement in nature.

Mr. Brown stated that based on the way the ordinance is written, some components are procurement related, which will always be a part because we are talking about connecting entities to procurement-related opportunities. He assumes this may be why the reporting structure was set up this way.

Ms. Newton inquired if there are any functions, as they currently exist, that would be better served moving them out and putting those functions under Procurement or if having that liaison is sufficient to make sure we are doing what we need to do.

Mr. Brown stated that it comes down to the level of customer service employees provide. We can get caught up in how something is termed, or we can get caught up in what we are doing to bring value to the community through these specific responsibilities and duties. He does not know there is a service the entity currently provides that would diminish if you remove it from Procurement. He noted it would never have ties to Procurement. There must be a partnership, even if the office reports to the Administrator.

Mr. Branham indicated, based on the presentation at the last committee meeting, he does not see where the department advocates for minority businesses.

Mr. Wright stated, "*Ordinance 058-16HR*" says, "The office shall manage and administer the SLBE Program and shall undertake other functions and duties as assigned by the County Administrator or County Council." Therefore, the purpose is to deal with the Small Business procurement requirements. The ordinance does not specify that the office advocates for minority businesses. He acknowledged that the Administrator could set up those functions.

In effect, Mr. Branham declared that it seems they are obtaining minority participation. He gleaned from the presentation that staff would prefer the office report directly to the Administrator. He inquired what other possible departments might make sense to be affiliated with the office.

Mr. Brown asserted the Government and Community Services Department was the other area they were working with. Regardless of the reporting structure, they will still be partnering with Procurement in some fashion. If Council would prefer the Administrator directly oversee the department, it will still be how we work well to ensure those small and local businesses have equitable opportunities through our procurement mechanism. The only other department that does something similar is Government and Community Services.

Mr. Branham inquired if we are running the risk the ordinance that created the OSBO will be voided when the Penny Tax collection ends.

Mr. Wright replied since the latest ordinance includes the Office of Small Business Opportunity. The committee and Council must determine what they want the setup to be and their specific responsibilities.

Ms. Mackey indicated she would like to see the Office of Small Business Opportunity operate as a standalone department so that it feels to the community there is a resource the County has to help small businesses grow. In addition, for the office to work strategically in each district to promote and assist small businesses.

Mr. Pugh inquired if we are confident that we are operating under "*Ordinance 010-17HR*."

Mr. Wright affirmed that we are operating under "*Ordinance 010-17HR*," but "*Ordinance 058-16HR*" is specific to the Office of Small Business. This committee needs to determine what the focus of this office should be. Right now, they are responsible for the Small Local Business Enterprise program. You could add that to the ordinance if you want to expand that. Currently, there is a disparity study in the works. If you want to deal with minorities and women-owned businesses, you must do the disparity study.

Mr. Branham noted the mission, services provided, and goals are outlined in the minutes from the last meeting, which would be a good starting place.

Ms. Erica Wade, Office of Small Business Opportunity Manager, stated when we look at the different ordinances, we are not listed in "*Ordinance 010-17HR*". At the time, the Administrator reorganized the whole County, but OSBO was not listed in the ordinance. In a later proposal, the office was to be placed under Government and Community Services because of the direction the office was heading. She noted they are currently operating under Procurement.

Mr. Branham inquired as to Ms. Wade's preferred reporting structure.

Ms. Wade responded she would prefer to be a standalone department because of some of the services provided and to be able to function in certain capacities.

Mr. Branham inquired if there were any goals or services Ms. Wade would like to see added to the office.

Ms. Wade responded she believes everything was listed in her previous presentation. She stated the disparity study would put some teeth into the program.

Ms. Mackey indicated she would like to begin drafting a new ordinance that makes the Office of Small Business a standalone department but also includes language that addresses things discussed in the Strategic Plan. She would like to see the office work in conjunction with Procurement, Government and Community Services, Economic Development, and the Transportation Penny Program.

Mr. Wright stated that if you can detail the specifics of what you want in the ordinance, his office can draft a new one.

Mr. Pugh asked if we must create the ordinance first and then take action.

Mr. Wright responded, at this point, the committee needs to determine specifically what they want the office to do so we know what needs to be in the ordinance.

Ms. Mackey moved to work with the County Attorney to develop a new ordinance for the Office of Small Business Opportunity to be a standalone department, provided with details from this body, seconded by Ms. Newton.

Ms. Newton suggested setting a deadline for when the feedback is due to the Attorney's Office and having the Clerk's Office extend the invitation to Council.

Mr. Branham inquired if we also want the Attorney's Office to begin drafting the information pertaining to the office's function.

Mr. Wright maintained he was not re-drafting anything until he received information from the body. He noted he needs to know what the body wants before he can start drafting something. The committee needs to determine what they want the office to focus on and send those recommendations to his office.

Mr. Pugh suggested providing recommendations to Mr. Wright's office by May 9th.

Ms. Newton requested to extend the recommendation deadline to May 15th since she will be traveling for business for the next two weeks. She noted in all our meetings; she never got the impression any Councilmember was troubled with the current functioning of the office. There may be things people want to tweak, but broadly speaking, we seem to be good.

Mr. Branham acknowledged he would be fine with using the goals, services provided, and mission outlined in Ms. Wade's presentation as a starting point.

Mr. Livingston stated he did not want to rely on suggestions from Councilmembers solely. He also suggested getting feedback from the Office of Small Business Opportunity staff.

Ms. Mackey restated her motion, as follows, to work with the County Attorney to develop a new ordinance for the Office of Small Business Opportunity that creates the office as a standalone department, with duties provided by Councilmembers by May 15th.

In Favor: Branham, Pugh, Barron, Mackey, and Newton

The vote in favor was unanimous.

5. **ADJOURNMENT** – Ms. Newton moved to adjourn the meeting, seconded by Mr. Branham.

In Favor: Branham, Pugh, Barron, Mackey, and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 4:40 PM.