



Administration and Finance Committee

Joyce Dickerson	Paul Livingston	Greg Pearce (Chair)	Jim Manning	Kelvin Washington
District 2	District 4	District 6	District 8	District 10

January 12, 2016 - 6:00 PM

2020 Hampton St.

Call to Order

Election of Chair

1

Approval of Minutes

2 Regular Session: December 15, 2015 [PAGES 4-5]

Adoption of the Agenda

3

Items for Action

- 4 Changes to Policy on Requiring Employees to Sign Documents [PAGES 6-21]
- 5 Acceptance of funds from the SCE&G energy incentive program and First Vehicle Services [PAGES 22-26]
- 6 6319 Shakespeare Road Acquisition Addendum [PAGES 27-38]
- 7 Quit Claim Deeds for Vacant Property Located in the Olympia Neighborhood [PAGES 39-45]
- 8 Council member Jackson's Motion Regarding Hourly Rates for Transportation Engineers and Part-time Interns [PAGES 46-53]

Items Pending Analysis: No Action Required

Adjournment



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

ADMINISTRATION & FINANCE COMMITTEE

December 15, 2015
6:00 PM
County Council Chambers

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

CALL TO ORDER

Mr. Pearce called the meeting to order at approximately 6:00 PM

APPROVAL OF MINUTES

Regular Session: November 24, 2015 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Mr. Livingston, to adopt the agenda as published. The vote in favor was unanimous.

ITEMS FOR ACTION

Changes to Policy on Requiring Employees to Sign Documents – Mr. McDonald stated this item was carried over from the November Committee meeting to include the disciplinary action form in the agenda packet. The relevance of the form is the following statement on the form: “...I UNDERSTAND THAT MY SIGNATURE DOES NOT INDICATE AGREEMENT WITH THE CONTENTS, BUT ACKNOWLEDGES REVIEW AND RECEIPT OF DISCIPLINARY ACTION.” Additionally, the form has space for the employee to add his or her comments regarding the action.

Staff’s recommendation is to add the statement to all forms that employees are required to sign (i.e. memorandum of counseling, etc.).

Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve staff’s recommendation to include the statement on the disciplinary action form to all forms that employees are required to sign.

Mr. Washington inquired if an employee does not sign is that grounds for termination.

Mr. McDonald replied in the affirmative. Under the current policy if an employee refuses to sign a disciplinary action form it is grounds for termination.



Council Members Present

Greg Pearce, Chair
District Six

Joyce Dickerson
District Two

Paul Livingston
District Four

Jim Manning
District Eight

Kelvin E. Washington, Sr.
District Ten

Others Present:

Bill Malinowski
Norman Jackson
Julie-Ann Dixon
Torrey Rush
Tony McDonald
Kevin Bronson
Warren Harley
Brandon Madden
Michelle Onley
Larry Smith
Roxanne Ancheta
Daniel Driggers
Monique McDaniels
Kim Roberts
Geo Price
Ismail Ozbek
Dwight Hanna
Ronaldo Myers
Quinton Epps
Dale Welch

Mr. Washington inquired if staff researched the possibility of having a witness there to acknowledge the employee received the disciplinary action, but the employee refused to sign the form.

Mr. McDonald stated this could be an alternative and has been discussed, but having the employee sign directly is a more a direct accounting the employee has seen the action.

Mr. Washington stated forcing an employee to sign a form and threatening them with termination for refusal to do so is where he has an issue with the policy. In addition, the equality of how the policy is enforced (i.e. some department utilize termination, whereas some do not).

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to remove the policy of termination if the employee does not sign the disciplinary action form, but to have a witness to review any disciplinary action.

Mr. Manning inquired where the list of departments that utilize the disciplinary action form is located.

Mr. McDonald stated the disciplinary action form is a countywide form.

Mr. Washington stated there are departments where employees have been presented a form, but they were not terminated for refusal to sign. Whereas there have been employees terminated because they refused to sign. If it is left up to the individual departments is not going to equitable.

Mr. Manning inquired if each department does what they want to do right now.

Mr. McDonald stated he believes the current policy states that if an employee refuses to sign the form it is grounds for termination. It does not mean that happens in every situation.

Mr. Manning clarified his question to ask if the current policy say that supervisors use their discretion and handle the situation however you want to.

Mr. Hanna stated he did not have the policy in front of him, but he does not believe it requires termination in all cases.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item until the January committee meeting to allows Mr. Hanna to provide the committee with the current policy. The vote in favor was unanimous.

Motion to Increase the Daily Inmate per Diem for Applicable Jurisdictions – Mr. Manning moved, seconded by Mr. Livingston, to forward to Council with a recommendation to approve this item. The vote in favor was unanimous.

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

Council member Jackson's Motion Regarding Hourly Rates for Transportation Engineers and Part-time Interns – This item was held in committee.

ADJOURNMENT

The meeting adjourned at approximately 6:12 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

Richland County Council Request of Action

Subject:

Changes to Policy on Requiring Employees to Sign Documents

RICHLAND COUNTY HUMAN RESOURCES GUIDELINES	
TITLE: Chain of Command	Number: 1.04
EFFECTIVE DATE: 8/1/2009	Page: 1 of 2
REVISION DATE: 8/1/2009	REVISION #:
PREPARED BY: Human Resources Department	AUTHORIZED BY: Council & Management

PURPOSE:

It is the practice of Richland County to involve the appropriate levels of management and supervision when making decisions or attempting to resolve personnel problems or concerns. The chain of command is designed to handle personnel and organizational matters in a systematic, responsive and effective manner. Richland County encourages employees to know and utilize their respective chain of command.

DEFINITIONS:

Chain of Command – The structured levels of Richland County’s administrative lines of authority to include the County Administrator, Assistant County Administrators, Department Heads, Division Managers and Supervisors.

PROCEDURE:

1. Each level of supervision has the authority to delegate decision-making power to subordinate levels of management. Delegation of authority, however, does not relieve management of responsibility and accountability for decision-making.
2. Employees should ordinarily utilize their intra-departmental structure, beginning with their immediate supervisor through each level up to their Department Head, whenever possible to address employment related suggestions, questions, problems or concerns. However, if an employee’s concern involves his/her immediate supervisor, s/he may skip that level and proceed to the next level in the chain of command.
3. It is the responsibility of Supervisors, Department Heads and County Administration to respond appropriately and in a timely manner to employee concerns and questions.
4. Steps beyond the Department Head level should normally be taken only after these initial levels of decision-making and/or resolution have been exhausted. It is the Department Head’s responsibility to ensure that each employee is aware of the intra-departmental organizational structure and the elevation steps beyond the department level.
5. The management levels beyond the Department Head include, in ascending order: Assistant County Administrators, and County Administrator. The chain of command in the offices of Elected and Appointed Officials is as determined by the respective Elected or Appointed Official.
6. Any employee who is also a citizen of Richland County shall be allowed to communicate non-employment related inquiries or complaints to his/her County Council member without interference, restraint, coercion, discrimination, or reprisal

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from the employee's department head or supervisors, or having his/her employment jeopardized in any manner. For employment-related issues, employees should follow their designated chain of command.

RICHLAND COUNTY PERSONNEL POLICY	
TITLE: Disciplinary Action	Number: 6.03
EFFECTIVE DATE: 8/1/2009	Page: 1 of 8
REVISION DATE: 8/1/2009	REVISION #:
PREPARED BY: Human Resources Department	AUTHORIZED BY: Council & Administration

PURPOSE:

As is the case with all organizations, instances arise when an employee must be disciplined. The goal of discipline is to correct undesirable behavior and/or prevent reoccurrence of undesirable behavior, not to punish employees. The discipline, which may be imposed, includes but is not limited to counseling notice, official reprimand, probation, suspension without pay, demotion and discharge. In addition, the County may procedurally suspend an employee pending investigation to determine if such disciplinary action is appropriate. In addition, the County may impose a combination of disciplinary measures. **THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE COUNTY. NOTHING IN ANY OF THE COUNTY’S POLICIES OR BY VIRTUE OF ANY PAST PRACTICE OF THE COUNTY REQUIRES THE COUNTY TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE.** Department heads must submit terminations recommendations to the County Administrator for review and approval.

DEFINITIONS:

- A. Disciplinary Action Form (DAF)- The form used by supervisors to document less than “Fully Proficient” or undesirable employee behavior, which results in disciplinary action.

PROCEDURE:

1. Disciplinary actions are prescribed by a Department Head when, in his/her opinion, an employee's work performance or actions are not “fully proficient” or if the employee violates County policies which mandate disciplinary action.
2. It is not possible to list all job performance problems, misconduct, unsatisfactory customer service, inappropriate behavior/acts or omissions, which may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct, infraction or less than “Fully Proficient” job performance depends upon a number of factors including, but not limited to, the employee’s prior disciplinary record, the seriousness of the misconduct, level of inadequate job performance and the impact of the infraction or misconduct on others.
3. The County and the public expect employee conduct in accordance with applicable laws, regulations, Richland County policies and departmental procedures, and acceptable work behaviors from all employees. Employees in supervisory and higher level positions should set an example by their own job performance, conduct, attitude and work habits.
4. Employees must sign counseling memoranda, policy statements, performance appraisals and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he has been notified of the contents of the document. If an employee refuses to sign the document he may be relieved of duty without pay and/or subject to disciplinary action up to and including termination.

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5. The County requires and expects all employees to observe high standards of honesty, good conduct, teamwork and fair play in their relations with each other and the public.
6. The administration of disciplinary action shall be based on an examination of the relevant facts in each case. Supervisors shall administer appropriate discipline to their employees for the purpose of correcting the employee's inappropriate behavior and helping them improve their performance but not to punish, embarrass or humiliate the employee.
7. The application of any disciplinary action shall be based upon the facts of each particular case. The degree of disciplinary action takes into account the following but is not necessarily limited to:
 - 7.1. Seriousness of the violation and any mitigating circumstances
 - 7.2. Violation repetition of a particular or closely related rule
 - 7.3. Past disciplinary action(s)
 - 7.4. Consistency (i.e. other employees previously in violation of this or similar rule and the resulting disciplinary action).
8. The guidelines within this procedure provide general guidance and are meant to be applied in normal cases, but cannot cover all situations. It is necessary for the Supervisor or Department Head to use appropriate discretionary judgement in individual circumstances in consideration of relevant facts when making disciplinary action decisions and recommendations.
9. The Supervisor shall initiate disciplinary action by coordinating the action through the Department Head.
10. Department Heads should consult with HRD throughout the disciplinary process as appropriate.
11. A DAF shall accompany all disciplinary actions:
 - 11.1. The action must be documented on the DAF then discussed with the employee
 - 11.2. All relevant information should be attached to the DAF
 - 11.3. The action must be signed by the employee and supervisor and up the chain of command
 - 11.4. The DAF is sent to HRD for review and included in the employee's Personnel File after review and approval by HRD and the County Administrator
 - 11.5. HRD returns a copy to the Supervisor.

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12. It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any particular job performance deficiency or misconduct is at the sole discretion of the County. The following are merely examples of some of the more obvious types of job performance deficiency or misconduct that may result in disciplinary action, up to and including discharge. **THE COUNTY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

- 12.1. Less than fully proficient job performance
- 12.2. Unfitness to perform work duties according to the standards of the classification plan
- 12.3. Conflicting outside employment
- 12.4. Failure to report for work without departmental approval for three (3) consecutive days
- 12.5. Disclosure of information considered confidential to unauthorized parties
- 12.6. Acceptance of improper gratuities or gifts as defined in the South Carolina State Code of Ethics
- 12.7. Violation of county ordinances, rules, guidelines and policies
- 12.8. Membership in any organization which advocates the overthrow of the government of the United States by force or violence
- 12.9. Unsatisfactory customer service
- 12.10. Failure or refusal to carry out job duties or instructions
- 12.11. Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense which affects the County's reputation or which reasonably could create concern on the part of fellow employees or the community
- 12.12. Incompetence
- 12.13. Unauthorized absence or tardiness
- 12.14. Insubordination; disrespect for authority; or other conduct which tends to undermine authority
- 12.15. Unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of County property or the property of others
- 12.16. Violation of safety rules; neglect; engaging in unsafe practices
- 12.17. Interference with the work of others
- 12.18. Threatening, coercing or intimidating fellow employees, including "joking" threats
- 12.19. Dishonesty
- 12.20. Failure to provide information; falsifying County records; providing falsified records to the County for any purpose
- 12.21. Failure to report personal injury or property damage
- 12.22. Vehicular/equipment accidents at the fault of the employee

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- 12.23. Neglect or carelessness
- 12.24. Introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on County property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs.
- 12.25. Lack of good judgment
- 12.26. Harassment or retaliation
- 12.27. Any other reason that, in the County's sole determination, warrants discipline

13. Listed below are the levels of disciplinary action that Supervisors and Department Heads may generally follow; however, the step process is not required. The County does not require progressive discipline.
14. Counseling Notice – Provided for single, unrelated, and relatively minor instances of substandard performance or other such situations, an oral discussion between the employee's Department Head and the employee may be sufficient to correct the situation.
15. Official Reprimand - The Official Reprimand may, but not necessarily be, preceded by the Counseling Notice. It should outline the employee's deficiency, the required improvement, the time expected to achieve such improvement, and serves as a warning.
16. Disciplinary Probation – This action shall be considered a severe warning issued in writing by the Department Head. This would normally follow repeated instances of minor infractions of substandard performance for which there have been previous verbal warnings or one significant infraction.
- 16.1. An employee may be placed on Disciplinary Probation for three (3) month increments, not to exceed six (6) months. The employee shall be informed in writing as to the job performance deficiency goals, performance measures and/or corrective actions, which are a requirement within the specific time period at the time of the disciplinary action. Any further similar infraction(s) during this period or thereafter may result in immediate termination.
- 16.2. The written DAF shall explain clearly the reasons for the reprimand, stipulate the duration of the probationary period, the standards for judging the employee's improvement and the action to be taken if the deficiencies are not corrected within the probationary period.
17. Suspension – Suspension may, but not necessarily be, preceded by the Counseling Notice and Official Reprimand or one significant infraction. Suspension may be due to disciplinary action or to an investigation. Suspension is the temporary removal of an employee from his or her position without pay. Such suspension shall usually be for a period of one (1) to five (5) workdays.

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- 17.1. During the investigation, hearing, or trial of an employee on any criminal charge, during the course of any civil action involving an employee, or during investigation of employee misconduct, performance deficiencies and ability to work, when suspension would be in the best interest of the County, the County Administrator may suspend the employee with or without pay or place the employee on accrued annual leave for the duration of the proceedings. Department heads or Supervisors may place an employee on suspension pending further investigation of a disciplinary matter by the County Administrator or the Department Head, when suspension would be in the best interest of the County.
- 17.2. The Suspension Notice shall be in writing on the DAF and shall indicate the reasons for the action, the length of the suspension, the date the employee is to return to work, the specific recommendations for corrective actions the employee should take when he/she returns to work, and the action to be taken (termination) if the behavior is repeated. PAF must be completed with dates of suspension.
- 17.3. Back pay shall not ordinarily be recoverable, but where the suspension is terminated by full reinstatement of the employee, the County Administrator may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.
18. Demotion - Employees who fail to meet the job performance requirements of their position, or otherwise fail to perform their duties, may be demoted to a position with a lower level of responsibility and pay grade.
19. Termination - All employees are employed at the will of the County. If an employee fails to perform to the standards of the classification for the position held, or if the County determines that the employee is negligent, inefficient, unfit to perform the duties of the position, or if the employee violates County policies, or for any reason in the County's sole discretion, the employee may be suspended by his/her Department Head with a recommendation of discharge. Upon investigation of the employee's performance, the County Administrator or appropriate Elected or Appointed Official may discharge an employee.
- 19.1. In accordance with South Carolina law, employees who work for Elected Officials serve at the pleasure of such Elected Officials. A signed statement from the appropriate Elected Official that it is no longer his/her pleasure that the employee be employed is legal grounds for termination, provided no other laws are violated.
- 19.2. When an employee is dismissed, the Department Head shall immediately provide the County Administrator with a written notice of the dismissal indicating the effective date and the reason(s) for the dismissal. Any dismissed employee shall be given a written notice of his/her dismissal setting forth the effective date and reason(s) for his/her

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discharge. The Department Head shall notify any dismissed employee of his/her right to appeal the dismissal.

20. Administrative Leave - Under limited circumstances, an employee may be reassigned to other duties or placed on Administrative Leave with pay for a prescribed period of time as recommended by department head and approved by the County Administrator.

20.1. Administrative Leave allows for the immediate removal of an employee so that any allegation or accusation directed toward the employee can be promptly and thoroughly investigated by the County. Each department head should attempt to conclude investigations as soon as reasonably possible, not to exceed thirty (30) calendar days.

20.2. Administrative leave may also be used during the investigation, hearing or trial of an employee on any criminal charge, during the course of any civil action involving an employee or during an investigation of employee misconduct.

21. Demotions

21.1. If a Department Head concludes that an employee's job performance in his/her present position is below "Fully Proficient", the Department Head may recommend in writing to HRD and to the County Administrator that the employee be demoted. The Department Head should include the employee's most recent performance appraisal.

22. Department Heads have the ability to allow employees who are undergoing disciplinary action a "Decision Day". An employee placed in Decision Day status is required to use this day (which is considered paid work time) to decide either to take the necessary corrective action or to terminate employment with the County. Upon the employee's decision to take corrective action, the steps the employee will take to correct the problem are documented by the employee and submitted to the Supervisor. The Supervisor should submit this paperwork along with the DAF to HRD.

23. Employees may be immediately suspended, if the violation is considered by the Department Head to be of such a serious nature to warrant such disciplinary action as immediately taking the employee out of the workplace.

24. Any disciplinary action is at the recommendation and/or discretion of the Department Head. It is subject to review and approval where appropriate by HRD and the County Administrator and/or subject to the Grievance Procedure.

25. Any employee who feels disciplinary action taken against him is not justified may follow the grievance procedures.

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26. Employees shall be required to sign disciplinary notices, performance appraisals and similar documents. The employee's signature will simply indicate receipt and will not indicate agreement.

RESPONSIBILITIES:

1. Employee

- 1.1. Consistently deliver “Fully Proficient” or higher job performance.
- 1.2. Be aware of job requirements and expectations for appropriate job performance. Ask questions when in doubt.
- 1.3. Talk with appropriate co-workers or supervisor when a problem first begins to appear.
- 1.4. When appropriate, consult HRD for advice and assistance.
- 1.5. Use the performance and disciplinary process as an aid to improve job performance. Sign any paperwork in the disciplinary process as an acknowledgement of receipt of information. The signature does not necessarily indicate agreement with the action that is taking place.
- 1.6. Refer to Grievance Procedure regarding rights to appeal disciplinary matters for regular employees.

2. Supervisors / Department Heads

- 2.1. Ensure all customers/citizens receive efficient professional accurate, prompt and courteous service.
- 2.2. Maintain standards of employee conduct in accordance with Richland County’s policies and procedures and established and stated rules of the department.
- 2.3. Record all disciplinary actions on the County’s DAF and maintain all other appropriate documentation.
- 2.4. Inform employees of the availability of the Employee Assistance Program (EAP) for professional counseling when appropriate.
- 2.5. Consult HRD for recommendations on how to handle disciplinary situations, procedures to follow, and other related assistance and advice.

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- 2.6. Keep HRD and the County Administrator informed of disciplinary actions.
 - 2.7. Complete and submit appropriate paperwork to HRD. Provide copies of all documents to the employee.
 - 2.8. Maintain current policy and procedures and make them available to employees upon request.
3. Human Resources Department
 - 3.1. Implement approved actions that are submitted by Department Heads.
 - 3.2. Obtain legal advice when appropriate.
 - 3.3. Maintain records of disciplinary actions in the employee's Official Personnel File.

Report of Disciplinary Action



EMPLOYEE NAME _____ DEPARTMENT NAME _____
 JOB TITLE _____ EMPLOYEE # _____ DATE _____
 STATE SPECIFIC POLICY, LAW AND/OR INFRACTION THAT HAS OCCURRED.

DETAILED SUMMARY OF INCIDENT OR DISCIPLINARY ACTION:

(If more space is needed, please attach all supporting documentation on additional sheets.)

THE ORIGINAL FORM SHALL BE SENT TO HUMAN RESOURCES TO BE REVIEWED, PROCESSED, AND FILED IN THE EMPLOYEE’S PERSONNEL FILE. THE DEPARTMENT HEAD IS RESPONSIBLE FOR ASSURING THE EMPLOYEE RECEIVES A COPY OF THIS FORM (WHEN THEY SIGN IT) AND RELEVANT ATTACHMENTS.

ACTION:

- COUNSELING NOTICE
- OFFICIAL REPRIMAND
- PROBATION FROM: _____ TO: _____
- SUSPENSION FROM: _____ TO: _____
- DEMOTION
- TERMINATION EFFECTIVE DATE: _____
- OTHER DISCIPLINARY ACTION: _____

RECOMMENDATION/APPROVAL BY:

 Supervisor’s Signature Date

 Manager’s Signature Date

 Department Head’s Signature Date

I HAVE READ THIS REPORT AND UNDERSTAND THE DISCIPLINARY ACTION OUTLINED. IF I AM A REGULAR EMPLOYEE, I UNDERSTAND THAT I HAVE THE RIGHT TO FILE A GRIEVANCE REGARDING THIS ACTION, IF DONE SO WITHIN FOURTEEN DAYS FROM THE DATE OF NOTIFICATION OF THIS ACTION. I UNDERSTAND THAT I MAY CONTACT THE OFFICE OF HUMAN RESOURCES FOR GRIEVANCE INFORMATION, IF NECESSARY. I UNDERSTAND THAT FAILURE TO SIGN FOR RECEIPT OF FORM MAY RESULT IN FURTHER DISCIPLINARY ACTION. MY SIGNATURE DOES NOT INDICATE AGREEMENT WITH THE CONTENTS, BUT ACKNOWLEDGES REVIEW AND RECEIPT OF DISCIPLINARY ACTION.

Employee Comments: (Employee may make additional comments on additional sheets if needed)

 Employee Signature (Date)

 Human Resources Director (Date)
 (Review)

 County Administrator (Date)
 (Approval)

FORWARD TO HRD

Revised 12/15/04

Richland County Council Request of Action

Subject: Changes to Policy on Requiring Employees to Sign Documents

A. Purpose

County Council is requested to consider Mr. Jackson's motion to review the County's Human Resources policy on requiring employees to sign documents.

B. Background / Discussion

At the September 8, 2015 Council meeting, Mr. Jackson brought forth the following motion:

“Review HR policy on any subjection to violate employees’ civil rights. Example signing documents or be fired except memos. There should be other means showing employees receipt of document such as witness noting refusal to sign”

Pursuant to this motion, the Human Resources Department has prepared possible changes to the Richland County Employee Handbook regarding disciplinary actions taken on employees who do not sign official County documents (page 39 of the Employee Handbook) and the process to document that employees were informed and employees were provided documents.

The current County's policy, located on page 39 of the Richland County Employee Handbook, and which was recommended by outside HR legal counsel, and therefore does not violate an employee's civil rights, is as follows:

Performance Evaluations

The County may periodically conduct oral or written evaluations of employees' performance. Employees must sign written evaluations. The employee's signature does not necessarily indicate agreement with the contents of the evaluation, only that he/she has been made aware of it. While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he/she receives a favorable evaluation.

Discipline

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline which may be imposed includes but is not limited to oral reprimand, written warning, probation, suspension without pay, demotion and discharge. In addition, the County may procedurally suspend an employee pending investigation to determine if disciplinary action is appropriate. If the County determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the County may impose a combination of disciplinary measures. THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE COUNTY. NOTHING IN ANY OF THE COUNTY'S POLICIES OR BY VIRTUE OF ANY PAST PRACTICE OF THE COUNTY REQUIRES THE COUNTY TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE. Supervisors and Department Head must submit terminations to the County Administrator for review. Employees must sign counseling memoranda, policy statements, performance evaluations and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document.

If an employee refuses to sign the document he/she will be relieved of duty without pay. If he/she does not sign the form by 5:00 p.m. at the end of his next scheduled work-day, he/she will be presumed to have resigned and will be separated from the payroll.

The optional changes are as follows:

Performance Evaluations Appraisals

The County may periodically conduct oral or written evaluations of employees' performance. Employees must sign written **evaluations-performance appraisals**. The employee's signature does not necessarily indicate agreement with the contents of the **evaluations-performance appraisals**, only that he/she has been made aware of it. **If an employee refuses to sign their performance appraisal, they may write "I refuse to sign" on the document and sign and date under their written refusal to sign. If the employee refuses to write a note and sign, the supervisor and a witness can sign and document the employee refused.** While favorable performance **evaluations appraisals** may be a factor in determining wage increases, no employee is entitled to a wage increase because he/she receives a favorable **evaluations performance appraisal**.

Discipline

As is the case with all organizations, instances arise when an employee must be disciplined. The discipline which may be imposed includes but is not limited to oral reprimand, written warning, probation, suspension without pay, demotion and discharge. In addition, the County may procedurally suspend an employee pending investigation to determine if disciplinary action is appropriate. If the County determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the County may impose a combination of disciplinary measures. THE DISCIPLINE IMPOSED IN ANY PARTICULAR SITUATION IS AT THE SOLE DISCRETION OF THE COUNTY. NOTHING IN ANY OF THE COUNTY'S POLICIES OR BY VIRTUE OF ANY PAST PRACTICE OF THE COUNTY REQUIRES THE COUNTY TO FOLLOW ANY PARTICULAR COURSE OF DISCIPLINE. Supervisors and Department Head must submit terminations to the County Administrator for review. Employees must sign counseling memoranda, policy statements, performance **evaluations appraisals** and other similar documents. The employee's signature does not necessarily indicate agreement with the contents of the document, only that he/she has been notified of the contents of the document. ~~If an employee refuses to sign the document he/she will be relieved of duty without pay. If he/she does not sign the form by 5:00 p.m. at the end of his next scheduled work-day, he/she will be presumed to have resigned and will be separated from the payroll.~~ **they may write "I refuse to sign" on the document and sign and date under their written refusal to sign. If the employee chooses not to sign or document that they refuse to sign, a witness will be called in to certify that the employee reviewed the appropriate document but refused to sign.**

C. Legislative / Chronological History

September 8, 2015 – Mr. Jackson made the following motion at the Council meeting:
"Review HR policy on any subjection to violate employees' civil rights. Example signing documents or be fired except memos. There should be other means showing employees receipt of document such as witness noting refusal to sign"

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Consider Mr. Jackson’s motion and approve the suggested changes to the Richland County Employee Handbook as outlined above.
2. Consider Mr. Jackson’s motion and modify the suggested changes to the Richland County Employee Handbook
3. Consider Mr. Jackson’s motion and do not proceed with making any changes to the Richland County Employee Handbook.

F. Recommendation

This is a policy decision for Council.

Recommended by: Norman Jackson

Department: County Council

Date: 9/8/2015

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 10/22/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

No recommendation because this is a policy decision for Council with no financial impact.

Human Resources

Reviewed by: Dwight Hanna

Date: 10/23/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council's discretion because this is a policy decision. However, it is very important and beneficial to the employee that all employees are clearly informed of serious disciplinary actions and/or potential of termination for not signing a document. In addition, it is important the County is able to provide clear documentation if requested that the employee was informed about actions such as but not limited to disciplinary actions. The current policy was proposed by outside legal counsel. There are two main purposes of the current policy. One is to ensure the employee is made aware of the action and reason for the action. The other main purpose is to document the County has complied with the obligation to inform the employee of the action.

In an effort to address the concerns raised, the County could request departments either use the County's Disciplinary Action Form which includes clear language that the employee's signature does not mean agreement. And in cases where the department does not use the County's Disciplinary Action Form we can request departments use the language from the County's Disciplinary Action Form if employees are requested to sign documents and it is possible disciplinary action will be taken if the employee does not sign.

Legal

Reviewed by: Elizabeth McLean

Date: 11/16/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Please see attached opinion by outside labor counsel. This office agrees with the legal conclusions of outside counsel; however, the application of the policy, if inconsistent, could change that conclusion. The opinion assumes that each employee is told that signing does not mean they agree with the document and they are told that they can attach a separate document reciting their version of events. Again, policies must be applied consistently and the discipline should be proportionate to the offense.

Administration

Reviewed by: Roxanne Ancheta

Date: November 17, 2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. Any changes recommended by Council should be vetted by appropriate legal counsel. As previously stated, the County's current policy was recommended by outside HR (labor) legal counsel, and does not violate an employee's civil rights.

Richland County Council Request of Action

Subject:

Acceptance of funds from the SCE&G energy incentive program and First Vehicle Services

Richland County Council Request of Action

Subject: Acceptance of funds from the SCE&G energy incentive program and First Vehicle Services

A. Purpose

County Council is requested to accept funds from the SCE&G energy incentive program and First Vehicle Services (FVS) in the amount of \$90,818.97 as revenue, and to place the funds in the Support Services Sheriff's HQ and Fleet Management budgets to fund planned maintenance projects.

B. Background / Discussion

The County received a check in the amount of \$6,950.08 from the SCE&G energy incentive program after replacing the Sheriff's chiller. Additionally, the County received a check in the amount of \$83,868.89 as a refund on the FY15 contract from the County's fleet maintenance provider, First Vehicle Services (FVS).

The SCE&G incentive check was received after the County replaced the Sheriff's chiller under emergency conditions over this past summer as the previous chiller was facing a catastrophic failure. The old chiller could no longer handle the stress of maintaining the Sheriff Department's facility after changes to the facility's heat load and component failures. The new chiller is an energy efficient unit that can be maintained to operate for short durations and supply some cooling during times of planned maintenance. SCE&G is providing a rebate to the County based on the anticipated power reductions of the new chiller unit.

The Support Services department plans to utilize the incentive funds to add a separate chilled water pumping system that will serve as an operational back-up system that can be used during planned maintenance operations and in the event that the new chiller fails.

The County has received previous incentives from SCE&G related to an Energy Grant provided to the County to improve the energy efficiency of operations at the Administration, Judicial Center and Detention Center buildings. These funds were placed back into those projects (Administration Complex Lighting, Judicial Center Lighting, and Detention Center Chiller replacement) allowing the County to increase the scope of the energy reduction project.

Previous FVS refund checks were deposited into the County's General Fund. The FVS check associated with this request was received as a result of the total operating costs of the fleet maintenance contract being less than the FY15 contracted amount. According to the contract, FVS returns 90% of the total unused contract costs to the County. The other 10% is retained by FVS as an incentive to maintain efficient operations, but when the operating costs exceeds the contract the County does not pay any additional funds.

The FVS refund would be used for several projects at the fleet garage, including purchasing and installing a new air compressor system, environmental abatement / replacement of the remaining in-ground hydraulic lift, adding another lift to a current "flat" bay in the fleet garage and replacing the 1000w high pressure sodium lights in the fleet maintenance garage with LED lights.

The purchase and installation of a new air compressor system was approved in the FY16 budget, but was mistakenly underfunded. Our current air compressor unit is approximately 30 years old, and requires frequent maintenance to keep it operating properly. The air compressor is essential to the fleet maintenance operations. When the air compressor is not working properly, maintenance operations have to be curtailed as most of the tools, equipment and lift safety mechanisms are operated by compressed air.

The in-ground hydraulic lifts that are utilized by fleet maintenance have created environmental concerns. Given the age of the in-ground lifts, they often leak and are difficult to service and repair as the hydraulic tanks are under the maintenance garage’s concrete pad. Therefore, Support Services would like to use the refund from FVS to abate the last underground hydraulic system in the shop, eliminating the possibility of groundwater contamination.

The addition of a new lift in the current “flat” bay in the fleet maintenance garage will increase the volume and efficiency of the fleet maintenance operations.

Replacing the 1000w high pressure sodium lights in the fleet maintenance garage with LED lights is projected to provide a 68% reduction in power use and will cover approximately 1/3rd of the garage’s high pressure lighting.

C. Legislative / Chronological History

- This is a staff originated request and there is no previous history for this request

D. Financial Impact

No additional County funds are being requested. Staff is requesting that the monies refunded by FVS and received through an incentive program by SCE&G be allocated to Support Services to fund previously planned projects.

The cost for replacing the chiller and the FVS contract were funded out of the Support Services budget.

The table below outlines the cost of the aforementioned projects that will be supported by the funds associated with this request.

HVAC Improvement Project	
Estimated cost of installing secondary chilled water circuit (HVAC back-up) at the RCSD HQ	\$11,850.00
SCE&G Rebate Incentive	- \$6,950.08
Total Additional Funds Needed	\$4,899.92

The additional funds (\$4,899.92) needed to complete the installation of the secondary chiller will come from funding in other Divisional budgets within the Support Services Department that may be available towards the end of the FY16 budgetary cycle.

If the additional funds are not available, the amount of the SCE&G incentive check will become part of the rollover request for FY17, and the capital request will be reduced by that amount in the FY17 budget request.

Fleet Garage Projects	
Estimated cost of the in-ground hydraulic lift abatement and replacement	\$22,500.00
Estimated cost of the additional lift in current empty bay	\$14,000.00
New compressed air system	\$24,000.00
Replacement of the 1000w high pressure sodium lights	\$23,368.89
Total Project Costs	\$83,868.89

All of the noted projects are planned capital improvement expenditures by the Support Services Department. These projects will be part of the FY17 budget request for consideration if not approved here.

E. Alternatives

1. Approve the request to accept funds from the SCE&G energy incentive program and First Vehicle Services in the amount of \$90,818.97 as revenue, and to place the funds in the Support Services Sheriff’s HQ and Fleet Management budgets to fund planned maintenance projects.
2. Approve accepting the FVS refund check in the amount of \$83,868.89 as revenue, and to place the funds in the Support Services budget as a budget increase so the aforementioned fleet maintenance garage projects can proceed.
3. Approve accepting the SCE&G incentive check in the amount of \$6,950.08 as revenue and to place the funds in the Support Services budget as a budget increase to support the RCSD HVAC improvement project.
4. Do not approve the acceptance of either check as revenue for the Support Services Department and do not allow the Support Services operating budgets to be increased. Staff will resubmit the funding request for the projects in the FY17 budget process for consideration. The incentive and refund checks would remain in the County’s general fund balance.

F. Recommendation

It is recommended that Council approve the request in alternative #1 to allow the funds to be accepted as revenue and increase the Support Services 1100317009 and 1100302500 budgets for the completion of the aforementioned capital improvement projects.

Recommended by: John Hixon
 Department: Support Services
 Date: 12/9/15

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 12/21/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Request is a budgetary decision for Council discretion. Approval would be an increase in appropriated funding therefore would require Council approval. Neither of the funds are restricted therefore are appropriate for any County use.

Legal

Reviewed by: Elizabeth McLean

Date: 12/22/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Roxanne Ancheta

Date: December 22, 2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the request to accept funds from the SCE&G energy incentive program and First Vehicle Services in the amount of \$90,818.97 as revenue, and to place the funds in the Support Services budget to fund planned maintenance projects.

Richland County Council Request of Action

Subject:

6319 Shakespeare Road Acquisition Addendum

Richland County Council Request of Action

Subject: 6319 Shakespeare Road Acquisition Addendum

A. Purpose

County Council is requested to approve an addendum (see attached) to the Memorandum of Understanding (MOU) between Richland County and Community Assistance Provider, Inc. (CAP) for an additional \$12,000 from the Planning Department's Neighborhood Improvement Program's (NIP) budget to assist CAP in completing their acquisition of the property located at 6319 Shakespeare Road, Columbia SC 29223 (property). The \$12,000 will cover the additional acquisition costs for the property. This acquisition will allow site control by a non-profit group (CAP) for the redevelopment of the parcel of land into affordable housing (workforce, veterans, seniors, etc.) to benefit the surrounding areas of Trenholm Acres and New Castle Neighborhoods.

The County will not acquire the land directly.

B. Background / Discussion

The Columbia Mobile Home Park was the second project priority for calendar year 2014 in the "Five Year Project Plan for NIP". A total of \$135,000.00 was the estimated budget to remove dilapidated structures from the Columbia Mobile Home Park and prepare the property for redevelopment consistent with the recommendations from the Trenholm Acres Neighborhood Master Plan.

In 2013, the Richland County Community Development Department in tandem with the Richland County Planning Department's NIP utilized Community Development Block Grant (CDBG) funds to demolish the CMHP located at 6319 Shakespeare Road. The demolition took place in August 2014 and a total of \$82,095.00 of CDBG funds were used for the demolition, clearance, abatement and soft costs to include asbestos assessment and the Phase I environmental assessment.

After the demolition, the property was acquired through a delinquent tax sale for approximately \$24,000.00.

The new owner has a desire to sell the property.

On September 17, 2014, the Richland County Community Development Department hosted an interest meeting to discuss the possible development of the land parcel with various community groups to include: Central Midlands Council of Governments; SC State Housing; Midlands Housing Trust; United Way; Columbia Housing Authority; Richland County Planning; and housing non-profits (Community Development Corporation) such as CAP, SLCDC, Benedict-Allen CDC, and SC Uplift. As a result of the meeting, the desired plan is (a) acquire the 3.78 acres land parcel to gain site control; (b) donate the land to a forming partnership of housing non-profits to utilize tax credits (see tax credits support letter), and other secured resources such as HOME funds, etc; (c) complete the soft cost needs of the full environmental, etc. and then (d) begin the redevelopment of up to 20 units of affordable

housing on the parcel. The property is currently zoned for high density of up to 60 units but the partnership group believes that to maintain lower to medium density proves more suitable for the parcel and outlying areas. This would be a multi-phased approach since all the funds have not been secured. Phase I will include completion of pre-development activities to include the architectural design, feasibility study and partnership agreement. Phase II will include construction of up to six (6) units.-Subsequent phases will complete the build-out of up to twenty (20) units.

Once Phase II begins, this will create a new energy for the area and potentially be a catalyst for housing and other development and growth.

CAP, Inc. currently has an executed Option to Purchase on the parcel and a plan to redevelop the site into 28 affordable housing units. CAP has applied and has been approved for HOME funding in the amount of \$327,800 and Housing Trust Fund (HTF) in the amount of \$163,515.00. Richland County Community Development Department has reserved \$150,000.00 of HOME funds and \$100,000 of CDBG funds for this project.

The County has already provided CAP \$38,584.30 for the purchase of the site, which included \$30,000 for sales price, \$5,584.30 to pay off a sewer lien and \$3,000 in tax settlement.

This original cost valued the sales price of the property at \$30,000, which assumed \$30,000 cash and tax credits for \$55,000 (the remainder on an assumed appraised property value of \$85,000).

Original Tax Credits:

\$85,000 – Appraisal
<u>-\$30,000 – Sales Prices</u>
\$55,000
* .33
<u>\$18,150 – Tax Credits</u>

However at closing, the detailed appraisal reduced the tax credits and increased the sales price to \$42,000.

The \$12,000 difference is being requested in this ROA.

C. Legislative / Chronological History

On March 17, 2015, Council approved an MOU (see attached) with CAP and \$38,584.30 for the purchase of the site. The County distributed those funds to CAP on June 10, 2015.

D. Financial Impact

Council approval of an addendum to the MOU between the County and CAP for an additional \$12,000 in NIP funds to assist CAP in purchasing the property is being requested.

In addition, Richland County Community Development has already expended \$82,095.00 toward the costs of the demolition and other costs associated with the once dilapidated and hazardous mobile home park.

E. Alternatives

1. County Council is requested to approve an addendum to the Memorandum of Understanding between Richland County and Community Assistance Provider, Inc. for an additional \$12,000 from the Planning Department’s Neighborhood Improvement Program’s (NIP) budget to assist Community Assistance Provider, Inc. (CAP) in completing their acquisition of the property located at 6319 Shakespeare Road, Columbia SC 29223.
2. Do not approve an addendum to the Memorandum of Understanding between Richland County and Community Assistance Provider, Inc. for an additional \$12,000 from the Planning Department’s Neighborhood Improvement Program’s (NIP) budget to assist Community Assistance Provider, Inc. (CAP) in completing their acquisition of the property located at 6319 Shakespeare Road, Columbia SC 29223.

F. Recommendation

It is recommended that Council approve the addendum to the MOU to expend an additional \$12,000 from NIP funds to assist the Community Assistance Provider, Inc. (CAP) in completing their acquisition of the property located at 6319 Shakespeare Road, Columbia SC 29223.

Recommended by: Tracy Hegler
Department: Planning
Date: 12/15/15

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 12/21/15
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Item is at Council discretion however the funding is available as mentioned.

Community Development

Reviewed by: Valeria Jackson Date: 12/21/15

✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Item is at Council discretion however the funding is available as mentioned.

Legal

Reviewed by: Elizabeth McLean Date: 1/7/16
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council's discretion.
Legal has reviewed the addendum.

Administration

Reviewed by: Warren Harley Date: 1/7/16
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

ORIGINAL

AGREEMENT BETWEEN

RICHLAND COUNTY

AND

COMMUNITY ASSISTANCE PROVIDER

THIS AGREEMENT made and entered into on this 14th day of May 2015, 2015, by and between Richland County, South Carolina (hereinafter the "County"), and Community Assistance Provider (hereinafter "CAP").

WITNESSETH

WHEREAS, Columbia Mall Mobile Home Park, located at 6319 Shakespeare Road, Columbia, SC 29203 (hereinafter the "Property"), is in the New Castle/Trenholm Acres Richland County Master Plan area that is targeted for development through the Richland County Planning and Development Department; and

WHEREAS, the Columbia Mobile Home Park, deemed slum and blight by Richland County, was demolished by Richland County using Community Development Block Grant (CDBG) funds; and

WHEREAS, in the interest of the New Castle/Trenholm Acres Master Plan, the County is a partnership among Community Housing Development Organizations (CHDOs) to develop affordable housing on the Property site; and

WHEREAS, CAP took the lead and secured an option to purchase the property for \$38,584.30; and

WHEREAS, Richland County Council is requested to approve the use of the County's NIP funds for the acquisition and other soft costs associated with the land purchase, with such funds being conveyed to CAP for the acquisition of the Property; and

WHEREAS, upon County Council approval, CAP will develop affordable housing at the Property, and agrees to undertake specific actions to accomplish this mission; and

WHEREAS, the CAP will form a legally binding agreement with additional non-profits (the "Non-Profits") which will require those subsequent named organizations to be jointly and severally liable for all requirements of this Agreement; and

WHEREAS, the CAP will take the lead and with the Non-Profits collectively produce a redevelopment strategy and present a project redevelopment plan to the County with a preliminary budget to include predevelopment costs; and

WHEREAS, predevelopment actions will include Phase II Environmental as needed; architectural design for the site; feasibility study and a strategic development plan and budget within 120 days of acquisition of the Property; and

WHEREAS, CAP to include and subsequent partners the Non-Profits, will individually and collectively commit the required time and resources necessary to implement the development strategy created to complete the construction of an estimated 24 units within four (4) multi-year phases; and

WHEREAS, CAP will present the infrastructure/foundation plan and other required plans and documents to the County for approval (barriers, roads, sidewalks, lighting, landscape, entrance and exit); and

WHEREAS, CAP and subsequent partner the Non-Profits will collectively plan a written strategy to pursue national, state and local funding sources in the interest of completing this project within the agreed upon time frame in a responsive and responsible manner; and

WHEREAS, the County is in support of the development of affordable and market rate housing to include rental and/or homeownership units designed for the market with the greatest need including but not limited to senior citizens, workforce or veterans. Assisted living and temporary housing is disallowed for this site;

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, and specifically including the recitals above as if set forth herein below, the parties agree as follows:

- 1) The County agrees to provide Thirty-Eight Thousand Five Hundred and Eighty-Four (\$38,584.00) Dollars to successfully acquire the Property by the CAP, and which includes soft costs such as option renewals, sewer costs liens and other predevelopment. Such funds will be provided as fifty (50%) percent grant and fifty (50%) percent loan. The loan portion shall be paid back at a 2% interest rate over a loan term of five (5) years. Payments of the loan will begin within twelve (12) months of the lease of the first eight housing units and will be made in monthly payments. Notwithstanding the preceding, any funds becoming due and payable pursuant to paragraphs 6, 8 and 9 herein, shall be paid to the County in a lump sum in accordance with the specific paragraph requirements. The Property shall be titled in the name of the CAP and shall include a first right of refusal to the County upon resale. Any funds provided by the County pursuant to this agreement which are used inconsistently with this paragraph, shall become immediately due and payable to the County and shall be payable in a lump sum amount.
- 2) CAP will provide the County a copy of any and all subsequent agreement(s) with the Non-Profits, which shall also include delegated responsibilities, appropriate accountabilities and other rights and responsibilities as deemed appropriate between the Non-Profits and CAP.
- 3) CAP agrees to begin the first phase of construction within eighteen (18) calendar months of receipt of the funds provided pursuant to this Agreement.
- 4) CAP shall complete the first and second phase of construction within forty-eight (48) calendar months of receipt of the funds provided pursuant to this Agreement.

- 5) CAP will construct a minimum of 8 units or 2 quads within the first three (3) years of receipt of the County funds provided pursuant to this Agreement. The parties agree that assisted living and temporary housing is not allowed as a part of the development of the Property.
- 6) CAP will seek other sources of funding in addition to the County each year of this multi-phased project. In the event adequate non-County funding sources are not secured by CAP to initiate construction of this redevelopment, CAP will be required to deed the Property to the County and to continue to make loan payments pursuant to the aforementioned Section 1 of this agreement. Such sums shall be due and payable to the County no later than one (1) year after receipt of such funds.
- 7) The County will be allowed to have input and guidance on the design of the unit(s) and overall layout and configuration of the redevelopment.
- 8) CAP shall acquire the Property within ninety (90) days of the date first written above and shall provide supporting documentation to the County reflecting such acquisition. If CAP fails to obtain good and marketable title to the Property within the allowed time, any funds provided to the CAP pursuant to this Agreement shall be immediately due and payable to the County. CAP shall require each Non-Profit, as a part of any Non-Profit agreement, to agree to be jointly and severally liable for the repayment of such funds.
- 9) If after acquisition of the Property, CAP fails to complete within four (4) years of the date of acquisition, at a minimum, the construction of two (2) of the intended planned quadrplexes or 8 rental units, any and all County funds provided to CAP pursuant to this Agreement shall be immediately due and payable back to the County. In the event this action takes place, the County will have right of first refusal to purchase the parcel for other future redevelopment.
- 10) The County's Community Development Department commits to be being an active funding partner in this development, to the extent feasible and as limited by the availability of federal funds, up to the next three years.
- 11) The failure of either party to insist upon the strict performance of any provision of this Agreement shall not be deemed to be a waiver of the right to insist upon strict performance of such provisions or of any other provision of this Agreement at any time. Waiver of any breach of this Agreement by either party shall not constitute waiver of subsequent breach.
- 12) This Agreement represents the entire understanding and agreement between the parties hereto and supersedes any and all prior negotiations, discussions, and agreements, whether written or oral, between the parties regarding the same. No amendment or modification to this Agreement or any waiver of any provisions hereof shall be effective unless in writing, signed by both parties.

- 13) This Agreement shall be interpreted pursuant to the laws of the State of South Carolina.
- 14) This Agreement is intended to be performed in compliance with all applicable laws, ordinances, rules and regulations. If any provision of this Agreement is determined to be void or unenforceable, all other provisions shall remain in full force and effect.
- 15) Each party to this Agreement represents and warrants that it has full legal right, power and authority to enter into this Agreement and to perform and consummate all other transactions contemplated by this Agreement.
- 16) This Agreement may be executed in multiple counterparts, the signature pages of which may be compiled to constitute one original Agreement.
- 17) The parties hereto expressly agree that this Agreement in no way creates any agency relationship between the parties or any relationship which would subject either party to any liability for any acts or omissions of the other party to this Agreement.
- 18) Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the CAP or any individual party without prior written consent of the County.

IN WITNESS WHEREOF WE THE UNDERSIGNED have this 14 day of May, 2015, set our hand and seal hereon.

RICHLAND COUNTY GOVERNMENT

Spartan Hammett
By: Spartan Hammett, Assistant County Administrator

Devin Wise
Witness

COMMUNITY ASSISTANT PROVIDER

Jamie L. Devine
By: Jamie L. Devine, President/CEO

Jamie Devine
Witness

(Legal Review as Form Stamp Below)

Richland County Attorney's Office
Elizabeth A. Miller
Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

STATE OF SOUTH CAROLINA)
)) ADDENDUM TO COLUMBIA MALL MOBILE
)) HOME PARK CONTRACT DATED 5-14-15
COUNTY OF RICHLAND)

THIS ADDENDUM is entered into this _____ day of _____, 2016, by and between Community Assistance Provider (hereinafter, "CAP"), and Richland County, South Carolina (hereinafter, "Richland County").

WHEREAS, on May 14, 2015, Richland County entered into a contract with CAP to assist them in their acquisition of property located at 6319 Shakespeare Road, Columbia, SC 29223; and

WHEREAS, this acquisition will allow site control by CAP (a non-profit group) for the redevelopment of the parcel of land into affordable housing to benefit the surrounding areas of the Trenholm Acres and New Castle neighborhoods.

WHEREAS, an additional \$12,000 is needed to cover additional acquisition costs;

NOW, THEREFORE, Richland County and for the consideration stated herein, mutually agree as follows:

Section One. Additional Contract Sum

Richland County, in consideration of CAP's undertakings under this Agreement shall pay CAP an additional fee of \$12,000.00 for the acquisition of property located at 6319 Shakespeare Road, Columbia, SC 29223.

Section Two. All Remaining Provisions of the Agreement Between Richland County and Community Assistance Provide, dated May 14, 2015, to Remain the Same

Except for the provisions of this Addendum, all remaining provisions of the original Agreement Between Richland County and Community Assistance Provide, dated May 14, 2015, shall remain the same

THE PARTIES HAVE READ THIS ADDENDUM, UNDERSTAND IT AND AGREE TO BE BOUND BY ITS TERMS.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized and empowered officers or agents as of the date set forth above.

**COMMUNITY ASSISTANCE
PROVIDER (CAP)**

WITNESSES:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE

Personally appeared before me, the undersigned witness, who made oath that he/she saw the within representative of **Community Assistance Provider** sign, seal and as his/her act and deed, deliver the Addendum to Columbia Mall Mobile Home Park Contract dated 5-14-15 and that she/he witnessed the execution thereof.

Witness

SWORN to and SUBSCRIBED before
me this _____ day of _____, 2016.

Notary Public for South Carolina
My Commission Expires:

RICHLAND COUNTY

WITNESSES:

By: Tony McDonald
Its: Richland County Administrator

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE

Personally appeared before me, the undersigned witness, who made oath that she/he saw the within named Tony McDonald, authorized official of **Richland County, South Carolina**, sign, seal and as his act and deed, deliver the Addendum to Columbia Mall Mobile Home Park Contract dated 5-14-15 and that she/he witnessed the execution thereof.

Witness

SWORN to and SUBSCRIBED before
me this _____ day of _____, 2016.

Notary Public for South Carolina
My Commission Expires:

Richland County Council Request of Action

Subject:

Quit Claim Deeds for Vacant Property Located in the Olympia Neighborhood

Richland County Council Request of Action

Subject: Quit Claim Deeds for Vacant Property Located in the Olympia Neighborhood

A. Purpose

Council is requested to approve the ordinance(s) authorizing quit claim deeds involving two (2) pieces of vacant land in the Olympia Neighborhood in Columbia, SC.

B. Background / Discussion

In the early 1900's, several mills were established in the area of Columbia now known as the Olympia area. There were several large tracts of land which these mills controlled. Eventually, these tracts were cut up, streets established and home lots were surveyed out. When the home lots were cut out, an alleyway, 10 foot wide, was also established along the rear, and in some cases, the side property line of these lots. These alleyways are vacant and not used by the County.

In 1982, the County passed a County ordinance authorizing County landowners to apply to the County for quit claim deeds in the Olympia community – see attached ordinance (Exhibit B).

Historically, once the County received a request from a property owner in the Olympia community regarding a vacant alleyway, the County would contact the property owner and all the property owners bordering the vacant alleyway regarding their interest in receiving half of the vacant land that abuts their property.

If the property owners wanted a portion of the alleyway that borders their property, the County would give the property owner 50% of the vacant land. The remaining 50% of the vacant land would be given to the adjacent property owner. If the property owner did not have an interest in receiving the vacant land, the ownership of the entire portion of the vacant land would be deeded over to the adjacent property owner.

In August 2015, William Short requested that the County quit claim the vacant land bordering his property at 735 Maryland St. (R11203-12-13) – see red portion in the attached map.

On September 28, 2015, staff mailed letters to the property owners whose property bordered Mr. Short's property regarding their interest in receiving 50% of the vacant land. After 30 days of the date of the letter, property owner (Shelby King) contacted the County and requested to receive 50% of the vacant land bordering her property at 638 Kentucky St. (R11203-12-17). Quit claim deeds were already in place for the vacant land at the properties located at 1206 Whitney St. (R11203-12-15) & 1208 Whitney St. (R11203-12-14) – see attached deeds. Please note that the attached deeds reflect the transfer of the ownership of the lots, not the dates the deeds were recorded.

At this time, staff is requesting that Council to approve the ordinance(s) authorizing quit claim deeds for Mr. Short and Ms. King to receive 50%, or 5ft., of the vacant land that borders his property with the property owned by Shelby King.

The ordinance is attached. (Exhibit A)

C. Legislative / Chronological History

This is a staff-initiated request in response to William Short's request to claim the vacant land bordering his property at 735 Maryland St.

D. Financial Impact

There is no significant financial impact associated with this request. If the quit claim deeds are approved by Council, then the vacant land will be placed back on the County's tax rolls.

The average taxable value of the lots in the Olympia community is currently \$8,000, and the lot value of the parcels referenced in this ROA is \$8,000. Given that the County does mass appraisals and these lots have the same utility as the others and the vacant alleyway does not adversely affect the value of these lots, it is anticipated that there would not be any value increase to any of the properties. Therefore, if the quit claim deeds are approved, there would be no increase in the amount of taxes collected by the County.

Alternatives

1. Approve the request to approve the ordinance(s) authorizing the quit claim deeds.
2. Do not approve the request to approve the ordinance(s) authorizing the quit claim deeds.

E. Recommendation

It is recommended that Council approve the ordinance(s) authorizing the quit claim deeds. By doing so, this property will be placed back on the tax rolls.

Recommended by: Administration
Department: Richland County Council
Date: November 2, 2015

F. Reviews

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

Please be specific in your recommendation. While "Council Discretion" may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 12/9/15
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Assessor

Reviewed by: Liz McDonald Date: 12/15/15
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 1/7/16
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Roxanne Ancheta Date: January 7, 2016
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: It is recommended that Council approve the ordinance(s) authorizing the quit claim deeds. By doing so, this property will be placed back on the tax rolls.

Exhibit A

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-16HR

AN ORDINANCE AUTHORIZING QUIT CLAIM DEEDS TO SHELBY KING AND WILLIAM SHORT FOR PARCELS OF LAND LOCATED IN RICHLAND COUNTY, KNOWN AS THE OLYMPIA ALLEYWAYS, AND ABBUTTING TMS#11203-12-17 AND 11203-12-13.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant quit claim deeds to Shelby P. King and William M. Short for certain abandon alleyways in the Olympia neighborhood, as specifically described in two deeds entitled "Quit Claim Deed", which are attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2016.

RICHLAND COUNTY COUNCIL

By: _____
Torrey Rush, Chair

Attest this _____ day of _____, 2016.

S. Monique McDaniels
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:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 1003-82HR

AN ORDINANCE AUTHORIZING CERTAIN RICHLAND COUNTY LANDOWNERS TO APPLY TO THE COUNTY GOVERNMENT FOR QUIT CLAIM DEEDS IN THE OLYMPIA COMMUNITY.

Whereas, certain alleyways in the so-called Olympia community of Richland County have been abandoned by their owners, have become overgrown and unused by the general public, and since Richland County has determined that the alleys cannot be used for any legitimate public purpose.

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

SECTION I. Purpose and Intent.

In order to resolve the current confusion in the Olympia community of Richland County as to the ownership and proper use on the number of alleys that run between and behind the residences of the Olympia community, and to recruit the participation of the land owners of the Olympia community in eliminating a public eye sore and nuisance, this ordinance is enacted.

SECTION II. Procedure for Application for Quit Claim Deeds.

Any person who holds fee simple title to any residential lot in the so-called Olympia community of Richland County, may apply to the Office of the Richland County Administrator for a quit-claim deed, whereby the County shall convey any interest it may have to the applicant; provided that no property owner may apply for an interest in an alley greater than one-half (1/2) of the depth of the alley contiguous to his/her lot.

SECTION III. Legal Status of Olympia Alleys.

Richland County does not claim a fee simple interest in any of the Olympia alleys, but, since, the alleys have been abandoned by their owners and have fallen into general public use, the County could claim some interest by law or equity, in such alleys.

The enactment of this ordinance is not designed to assert title on the part of Richland County, but merely to expedite the conveyance of whatever interest the County may have, if any.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after December 15, 1982.

RICHLAND COUNTY COUNCIL

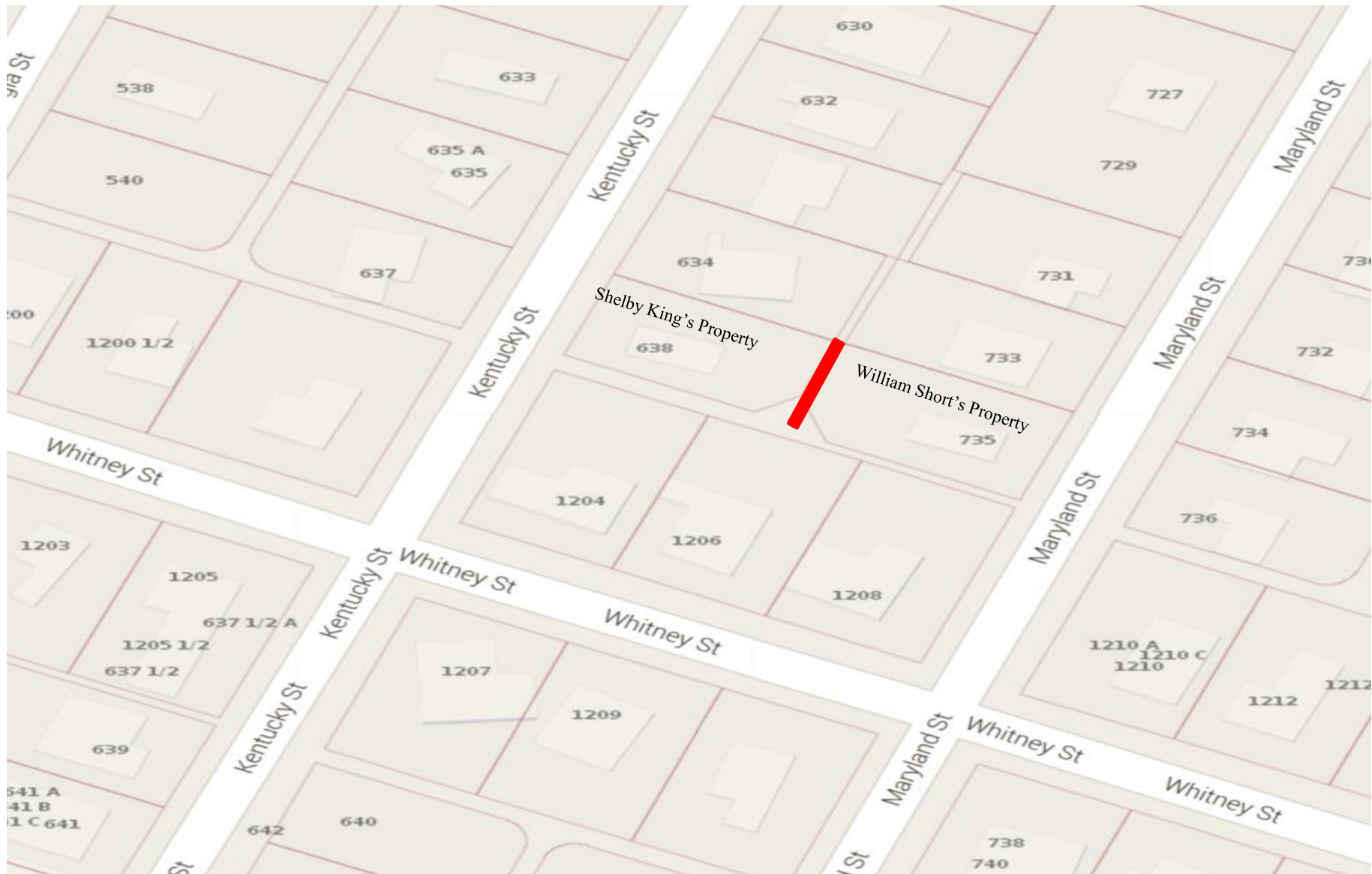
BY: *John V. Green*
John V. Green, Chairman

ATTEST this the 13th day of
April, ¹⁹⁸³ 1982.

Brenda Fuller
CLERK OF COUNCIL



Map Illustrating the Properties



Richland County Council Request of Action

Subject:

Council member Jackson's Motion Regarding Hourly Rates for Transportation Engineers and Part-time Interns

Notes:

At the November A&F Committee meeting, the Committee deferred this item to a future Committee meeting to allow the County's Legal Department to review the language included in the Program Development Team contract as it relates to Exhibit E.

The Legal Department completed their review, and this item is being brought back to the Committee for review and action.

Richland County Council Request of Action

Subject: Council member Jackson’s Motion Regarding Hourly Rates for Transportation Engineers and Part-time Interns

A. Purpose

Council is requested to consider Council member Jackson’s motion regarding hourly rates for transportation engineers and part-time interns.

B. Background / Discussion

At the November 3, 2015 Council meeting, Mr. Jackson made the following motion:

“Council consideration for future contract negotiations with the PDT or any other group to reduce the hourly rate for engineers making \$270 and for parttime interns making \$35 per hour. As a council we must be consistent when deciding what is fair and not have the appearance of being discriminatory”

In Exhibit E – see attached – of the Program Development Team’s (PDT) contract, the rates of the Engineers and Interns are listed in the personnel pay schedule table. These rates include overhead, salaries and benefits (health insurance, dental insurance, etc.) which is included in the 2.87 multiplier listed in the exhibit.

Please note that the rates listed in the table of Exhibit E only apply to Out of Scope “Additional” Services where work will need to be extended above and beyond their existing contractual scope. The contract also includes language that both parties must mutually agree to any additional services in writing in the form of an addendum or change order to the original agreement.

In Exhibit E, the highest pay rate is \$276 an hour for the position listed as principal and is not an engineer; however, the actual hourly rate for that position is \$96, which is calculated by dividing \$276 by the 2.87 multiplier. The multiplier is used to accurately reflect the total pay rate, which includes benefits for the position.

The high school interns and college interns are being paid \$9.50 and \$10.50, respectively.

The hourly wage rates included in the PDT contract are consistent with rates for engineers and interns at transportation related consulting firms and State agencies.

Given this information, for future transportation projects, staff will continue to ensure that all contracted hourly rates are reasonable and consistent with the transportation industry standards.

C. Legislative / Chronological History

- Motion made by Mr. Jackson at the September 8, 2015 Council meeting.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Consider Council member Jackson’s motion and direct staff to ensure that all contracted hourly rates in future transportation contracts are reasonable and consistent with the transportation industry standards.
2. Consider Council member Jackson’s motion, and provide direction to staff.

F. Recommendation

“Council consideration for future contract negotiations with the PDT or any other group to reduce the hourly rate for engineers making \$270 and for part-time interns making \$35 per hour. As a council we must be consistent when deciding what is fair and not have the appearance of being discriminatory”

Recommended by: Norman Jackson
Department: Richland County Council
Date: November 3, 2015

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: 11/9/15
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation:

This is an item for Council discretion with no immediate financial impact identified.

Procurement

Reviewed by: <u>Cheryl Patrick</u>	Date: 11/9/15
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

The Procurement Department supports, in all future contracts, ensuring salaries are negotiated according to consistent industry standards.

Transportation

Reviewed by: <u>Rob Perry</u>	Date: 11/10/15
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation:

The background discussion provides an adequate explanation of the contract as it relates to the motion. Any deviation from the contract approved by Council would be at Council’s discretion.

LegalReviewed by: Elizabeth McLean

Date: 11/13/15

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. As the PDT contract has already been executed, any changes to the contract could only happen through re-negotiation.

AdministrationReviewed by: Roxanne Ancheta

Date: November 16, 2015

X Recommend Council approval

 Recommend Council denial

Comments regarding recommendation: Because the motion references "future contract negotiations," staff will continue to ensure salaries are negotiated on all contracts according to consistent industry standards.

EXHIBIT E

To The

Program Management Agreement

Richland County

EXHIBIT E

RICHLAND COUNTY SALES TAX TRANSPORTATION PROGRAM PERSONNEL RATE SCHEDULE (RATES FOR 2014 calculated at 2.87 DPE)		
Position Code	Position	Hourly Rates
	PROGRAM MANAGEMENT	
100	Program Manager	\$ 233
101	Deputy Program Manager	\$ 219
102	Assistant Program Manager	\$ 180
103	Program Administrator	\$ 173
104	Principal	\$ 276
	PUBLIC INFORMATION	
200	Public Information Director	\$ 200
201	Public Relations Director	\$ 121
202	Outreach Lead Strategist	\$ 220
203	Outreach Manager	\$ 121
204	Web Designer	\$ 125
	PROCUREMENT	
300	Procurement Director	\$ 225
301	Procurement Manager	\$ 67
302	SWMBE Manager	\$ 108
	PROJECT CONTROLS	
400	Project Controls Director	\$ 178
401	Financial Controls	\$ 150
402	CPM Scheduler	\$ 101
403	TEAMS Coordinator	\$ 138
	DESIGN	
500	Principal Architect	\$ 180
501	Senior Architect	\$ 153
502	Architect	\$ 126
503	Principal Engineer	\$ 180
504	Senior Engineer	\$ 158
505	Engineer	\$ 130
506	Junior Engineer	\$ 64
507	Engineering Technician	\$ 118
508	Senior Structural Engineer	\$ 157
509	Structural Engineer	\$ 121
510	Senior Traffic Engineer	\$ 118

EXHIBIT E

	COST ESTIMATING	
600	Preconstruction Svcs. Director	\$174
601	Senior Estimator	\$133
602	Estimator	\$104
603	Quantity Surveyor	\$66
	ENVIRONMENTAL	
700	Senior Geologist	\$189
701	Geologist	\$128
702	Senior Hydrologist	\$151
703	Hydrologist	\$102
704	Senior Environmentalist	\$114
705	Senior Biologist	\$189
706	Biologist	\$128
707	Environmental P. E.	\$180
708	Environmental Technician	\$118
	CONSTRUCTION/INSPECTIONS	
800	Construction Manager	\$181
801	Project Manager	\$144
802	Assistant Project Manager	\$90
803	Senior Inspector	\$104
804	Inspector	\$93
805	Junior Inspector	\$63
806	Safety Compliance Officer	\$90
	RIGHT-OF-WAY ACQUISITION	
900	Right-of-Way Principal	\$180
901	Right-of-Way Manager	\$160
902	Right-of-Way Agent/Mentor	\$60
903	Right-of-Way Protégé	\$60
904	Project Manager	\$145
905	Attorney Mentor	\$200
906	Attorney Protégé	\$200
	SURVEY & MAPPING	
1000	Director	\$166
1001	Lead Utility Coordinator/Eng. IV	\$131
1002	Asst. Utility Coordinator/Eng. III	\$123
1003	Asst. Utility Coordinator/Eng. II	\$117
1004	Technical Assistant	\$96
1005	Lead Prof. Land Surveyor	\$109
1006	Asst. Prof. Land Surveyor	\$93
1007	Surveyor Tech III	\$72
1008	Surveyor Tech II	\$52

EXHIBIT E

1009	Survey CAD Technician I	\$70
1010	GIS Specialist	\$95
	ACCOUNTING	
1100	Accounting Manager	\$173
1101	Accountant	\$94
1102	Accounting Clerk	\$58
	LEGAL	
1200	Attorney	TBD
1201	Legal Assistant	TBD
	SUPPORT STAFF	
1300	Contract Administrator	\$90
1301	Clerical	\$72
1302	Intern	\$54
1303	Student Intern	\$43
Notes:		
1. Overtime premium is 1.5 of above rates .		
2. Rates are subject to annual adjustment per Agreement.		
3. Hourly cost = Base Rate x 2.875 (based on 2014 wages)		

End of Exhibit