



Administration and Finance Committee

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

November 17, 2016 - 6:00 PM

2020 Hampton Street

Call to Order

Approval of Minutes

- 1 October 25, 2016 [PAGES 4-5]

Approval of Agenda

Items for Action

- 2 Council Motion: Motion to Approve Ordinance that Prohibits the Payment of Legal Fees and / or Financial Judgements Created by any Department and/or Agency that does not Directly Report Administratively to Richland County Government [PAGES 6-9]
- 3 Council Motion: Motion regarding Richland County Recreation Commission Board of Commissioner [PAGES 10-11]

- 4 Freedom of Information Act Policy Revision [PAGES 12-18]
- 5 Council Motion: Seed Funding for Commemorating Fort Jackson's 100th Birthday [PAGES 19-20]

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

October 25, 2016
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: September 27, 2016 – Ms. Dickerson moved, seconded by Mr. Manning, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

ITEMS FOR ACTION

Department of Public Works – Dawson Pond Dam Repair Project – Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to proceed with repairing the Dawson Pond dam in light of a general public interest in a County easement incident to the dam repair area, and award the construction contract for the Dawson Pond Dam Repair Project to Corley Construction, LLC in the amount of \$297,556.75. The vote in favor was unanimous.

Professional Services/Airport Work Authorization 10 – Ms. Dickerson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the request to authorize executing Work Authorization 10 for professional services. This will permit the enhancement airport safety and compliance with FAA-recommended airfield design standards. The vote in favor was unanimous.

Public Defender's Office: Approval of New Attorney I Positions – Mr. Livingston moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to approve the request to authorize five (5) additional Attorney I positions for the Public Defender. Four of the positions will be utilized in the Richland County's Public Defender Office and the remaining position will be utilized in the Public Defender's Kershaw County Office. Approval of this alternative will enable the office there to pursue its goal of attaining minimum adequate staffing, thereby assisting the office in providing the



Council Members Present

Greg Pearce, Chair
District Six

Joyce Dickerson
District Two

Paul Livingston
District Four

Jim Manning
District Eight

Dalhi Myers
District Ten

Others Present:

Bill Malinowski
Julie-Ann Dixon
Norman Jackson
Torrey Rush
Michelle Onley
Gerald Seals
Brad Farrar
Daniel Driggers
Kimberly Williams-Roberts
Janelle Ellis
Ismail Ozbek
Chris Eversmann
Quinton Epps
Tracy Hegler
Brandon Madden
Geo Price
Kevin Bronson
Valeria Jackson

Administration & Finance Committee

Tuesday, October 25, 2016

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best quality, constitutionally mandated, representation to indigent clients, while also reducing the backlog of cases on the criminal docket with the attendant lessening of associated costs to Richland County.

Mr. Malinowski inquired if the State funding decreased would positions be eliminated.

Mr. Strickler stated if it were necessary the positions would be eliminated, but that has never been necessary.

The vote in favor was unanimous.

Solicitor's Office: Approval of Body Worn Camera Grant Award – Ms. Dickerson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the request to ensure that the proper storage and maintenance of Body Worn Camera video evidence is maintained and readily available for the prosecution of video evidence in criminal cases.

Mr. Livingston inquired if this is recurring or one-time funding.

The representative from the Solicitor's Office stated this is one-time funding.

Mr. Livingston requested staff indicate what kind of impact one-time funding will likely have on the next budget cycle.

The vote in favor was unanimous.

Intergovernmental Agreement with the City of Columbia – Ms. Myers moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to approve the intergovernmental agreement with the City of Columbia relative to partially funding the dredging of Lake Katherine. Per this agreement, the City shall be responsible for this project and the County's sole responsibility is to provide to the City \$62,400 for partially funding this project. The vote in favor was unanimous.

Community Development: Approval of Additional County Positions – Mr. Livingston moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to approve the request to authorize six (6) County positions (Housing Program Manager; Grant Accountant; Program Auditor; PIO Specialist; Procurement Specialist; and Inspector) for the operations and management of the CDBG-DR grant. Council approval of this alternative will facilitate the hiring of temporary grant-funded County staff to assist in the administration of the CDBG-DR grant funds. Approval of this alternative would result in \$933,414 being allocated for the salaries/fringes of these six (6) grant-funded positions over a three year period. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 6:33 PM.

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

Richland County Council Request of Action

Subject:

Council Motion: Motion to Approve Ordinance that Prohibits the Payment of Legal Fees and / or Financial Judgements

Richland County Council Request of Action

Subject: Council: Motion to Approve Ordinance that Prohibits the Payment of Legal Fees and / or Financial Judgements

A. Purpose

Council is requested to consider a Council motion relative to the approval of an ordinance that prohibits the payment of legal fees and / or financial judgements created by any department and/or agency that does not directly report administratively to Richland County government.

B. Background / Discussion

At the October 4, 2016 Council meeting, Councilmembers Pearce, Rose, Dixon, Dickerson, Myers and Malinowski brought forth the following motion:

“Move that County Administration and County Legal staff develop an Ordinance for Council consideration that prohibits the payment of legal fees and/or financial judgements created by any department and/or agency that does not directly report administratively to Richland County government (e.g., Voter Registration & Elections, Recreation)”

Pursuant to the directive outlined in the abovementioned motion, staff has attached an ordinance for Council’s consideration and action.

C. Legislative / Chronological History:

- At the October 4, 2016 Council meeting, Councilmembers Pearce, Rose, Dixon, Dickerson, Myers and Malinowski brought forth the following motion:

“Move that County Administration and County Legal staff develop an Ordinance for Council consideration that prohibits the payment of legal fees and/or financial judgements created by any department and/or agency that does not directly report administratively to Richland County government (e.g., Voter Registration & Elections, Recreation)”

D. Alternatives:

1. Consider the motion and approve the draft ordinance.
2. Consider the motion and do not approve the draft ordinance.

E. Final Recommendation:

This item is being presented pursuant to the Council motion brought forth at October 4, 2016 Council meeting. Accordingly, staff has drafted an ordinance based on the directive outlined in that motion. Approval of this ordinance will provide staff with direction in the event that a public body that was created or established by any authority other than the governing body of Richland County and whose members are appointed by any authority

other than the governing body of Richland County requests the payment of legal fees and/or financial judgements from the County.

DRAFT

Proposed Ordinance for Clarifying Richland County’s Role in Providing or Paying for Legal Services for Entities Not Created by and Whose Membership is Not Appointed by the Richland County Governing Body

Notwithstanding any other ordinance, Richland County shall not provide legal representation nor funding for legal representation for any board, commission, committee or any other “public body” as defined by the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for a public body that 1) was created or established by any authority other than the governing body of Richland County and 2) whose members are appointed by any authority other than the governing body of Richland County.

Richland County Council Request of Action

Subject:

Council Motion: Motion regarding Richland County Recreation Commission Board of Commissioner

Richland County Council Request of Action

Subject: Council Motion: Resolution and Budgetary Considerations Regarding the Richland County Recreation Commission

A. Purpose

Consider the Council motion relative to the approval of a Resolution and budgetary considerations regarding the Richland County Recreation Commission.

B. Background / Discussion

At the September 13, 2016 Council meeting, Mr. Pearce brought forth the following motion:

“A group of Richland County Legislators, representing a majority of the Delegation, recently sent a letter to the Chair of the Richland County Recreation Commission (RCRC) demanding that five (5) members of the Commission, including the Chair, voluntarily resign their respective positions based on evidence strongly suggesting malfeasance within the RCRC. I move that: (1) Council pass a Resolution supporting the actions of these legislators, and (2) Council consider continuing the action taken during the FY17 budget to only fund the RCRC at five (5) mils until such time as these selected Commission members resign”

If approved, this motion would prompt Council’s consideration of continuing the action taken during the FY17 budget to only fund the RCRC at five (5) mils during the County’s upcoming budgetary process or until selected RCRC Commission members resign.

The five mils is worth \$4,985,000.

C. Legislative/Chronological History

- Motion brought forth by Council member Pearce at the September 13, 2016 Council meeting.

D. Alternatives

1. Consider the motion and approve the Resolution and consider continuing the action taken during the FY17 budget to only fund the RCRC at five (5) mils during the County’s upcoming budgetary process or until selected RCRC Commission members resign.
2. Consider the motion and do not approve the Resolution and consider continuing the action taken during the FY17 budget to only fund the RCRC at five (5) mils during the County’s upcoming budgetary process or until selected RCRC Commission members resign.

E. Recommendation

Direction as to the approval the Resolution and the consideration of the budgetary item presented in the aforementioned Council motion can only be provided by Council. However, staff is available to provide any assistance relative to the executing policy decisions provided by County Council.

Richland County Council Request of Action

Subject:

Freedom of Information Act Policy Revision

Richland County Council Request of Action

Subject: Freedom of Information Act Policy Revision

A. Purpose

To establish a procedure to respond to requests for public records made in accordance with the South Carolina Freedom of Information Act (“FOIA”). *See S.C. Code of Laws §§30-4-10 et seq.*

B. Background / Discussion

Per the recommendation from the County Legal Department and Ombudsman’s Office, the County FOIA policy is being revised as an attempt to ensure compliance and minimize potential litigation/liability when responding to requests for public records made in accordance with the SC Freedom of Information Act.

The revisions to the policy include sending all FOIA requests received to all County departments for review. Historically, requests were sent to only the departments identified as potentially having responsive documents; however, per the advisement of Legal, all requests should be sent to all departments to ensure any information the County has in its possession is provided in accordance with the Act. Although the existing policy requires fees be assessed, departments are not consistently charging all requestors, therefore, the policy is being amended to enforce compliance.

In accordance with the S.C. Code of Laws, all Richland County departments shall adhere to the fee schedule as set forth in the revised policy. All fees collected will be applied to the General Fund Balance.

C. Legislative/Chronological History

- This is a staff-initiated request.
- The existing policy became effective July 27, 2010

D. Alternatives

1. Approve the revisions to the existing FOIA policy to send all requests received to all departments and require all departments to assess appropriate fee(s) for all FOIA requests received.
2. Do not approve the policy revision and continue to utilize existing policy.

E. Final Recommendation

It is recommended Council approve the revisions to the existing FOIA policy to send all requests received to all departments and require all departments to assess appropriate fee(s) for all FOIA requests received.

Richland County Government Policies and Procedures Manual

Title: Freedom of Information Act Requests

Department: Administrative Policy Number: **AD-XXX**

Effective Date: **Month X**, 2016

I. Purpose

To establish a procedure to respond to requests for public records made in accordance with the South Carolina Freedom of Information Act (“FOIA”). *See S.C. Code of Laws §§30-4-10 et seq.*

II. Definitions

Public record - includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics **prepared, owned, used, in the possession of, or retained by a public body**. It is hereby the policy of Richland County to decline any request to create a record, which does not already exist at the time of the request, in response to any FOIA request.

Exemptions - A public body may but is not required to exempt from disclosure certain public records. The list of allowed exemptions may be found in S.C. Code of Laws §30-4-40.

FOIA request – A request, in writing, for public records made in accordance with the South Carolina Freedom of Information Act (“FOIA”). Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by Section 30-4-40, in accordance with reasonable rules concerning time and place of access, as determined by Richland County. **Exception:** The following records of a public body must be made available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

- (1) minutes of the meetings of the public body for the preceding six months;
- (2) all reports identified in Section 30-4-50(A)(8) (*crime reports*) for at least the fourteen day period before the current day; and
- (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

Fees - The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. The records must be furnished at the lowest possible cost to the person requesting the records. Documents may be furnished when appropriate without charge or at a reduced charge where the County Administrator determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees may not be charged for examination and review to determine if the documents are subject to disclosure. The County may charge a reasonable hourly rate for making records available to the public and require a reasonable deposit of these costs before searching for or making copies of the records. *See below Fee Schedule Policy.*

III. Procedure

A. Intake and Assessment:

i. Department Directors should designate one person within each department responsible for handling FOIA requests. This responsibility should include receiving, logging, processing, and/or coordination of response.

ii. All FOIA requests received (in hand delivery, email, or facsimile) by any County Department (with the exception of those identified in the above definitions) shall be immediately date and time stamped and delivered to the Richland County Ombudsman's Office for processing. A copy of the request (hard or electronic) shall be retained by the Department.

iii. Any citizen requesting information on where to send a FOIA request, shall be informed to hand deliver, mail, email, or fax the request to:

Ombudsman's Office,
2020 Hampton Street, Suite 3061
Columbia, SC 29204
Ombudsman@rcgov.us

Fax: 803 929-6009

iv. The Ombudsman's Office shall assess the request to determine if it is a FOIA request (i.e. a request for records) or merely questions posed to Richland County. FOIA requests shall be immediately processed per the below procedures. It is hereby the policy of Richland County to deny requests for responses to questions from citizens. The Ombudsman's Office shall reply, in writing, to all requests for response to questions informing the requestor of the County's policy. Questions from the media shall be forwarded to the PIO for

response.

B. Routing, Timelines, and Response

- i. The Ombudsman's Office will forward the FOIA request to all departments, via the departmental FOIA designee. All departments must respond to the Ombudsman's Office within 48 hours indicating if they have information which is responsive to the FOIA request and/or request a clarification about the request. If a department indicates it has responsive documents/ information, the department must immediately provide a cost estimate (and an estimated time for provision of the records) based on the Fee Schedule Policy herein provided. Departments with questions regarding compliance with the FOIA and whether certain County records are public records should contact the Legal Department.
- ii. The County has fifteen (15) working days (excluding weekends and County holidays) from the date of receipt to reply to the requestor in writing informing the requestor of the County's determination of availability of the requested records. Such correspondence shall also include the request for payment, based on the departmental estimate. The records will not be retrieved by the department(s) until payment has been received by the requestor. When payment is received, the Ombudsman's Office will notify the requestor of the estimated time of response, unless such time is less than seven (7) days, in which case, no follow-up letter is necessary.
- iii. Requests for clarification or requests to narrow an overly broad request that the County cannot reasonably respond to shall be communicated to the requestor in writing within seven (7) days of the County's receipt of the request.
- iv. Each department with responsive records will provide the records to the Ombudsman's Office in a timely manner. The Ombudsman's Office will compile the information, draft a cover letter listing the information provided, and provide a completed packet to the Legal Department for review. The Legal Department will review the records for any exemptions, make any redactions necessary to the records (or request the department make the redactions), and provide the specific section of the FOIA statute to the Ombudsman's Office for inclusion in the response cover letter.

C. Fee Schedule Policy

In accordance with the S.C. Code of Laws, all Richland County departments shall

adhere to the following fee schedule:

<u>Service</u>	<u>Fee</u>
a. Copying Fee	\$0.25 per page
A charge shall be levied for each hard copy made by copier or computer printer. <u>If information is emailed, the copying fee does not apply.</u>	
b. Records Research	Gross hourly rate
Hourly fee, pro-rated, shall be based on the <u>gross</u> hourly rate of the person(s) researching the records requested. This time shall include any time for making hard copies of records for the requestor. The department shall not use a department head or supervisor for records research unless such is reasonable due to the nature of the request.	
c. Information Provided by Fax	Gross hourly rate
Hourly fee, pro-rated, shall be based on the gross hourly rate of the Ombudsman's Office employee faxing the requested records.	
d. E-Mail Search Programming Fees	Gross hourly rate
Hourly fee, pro-rated, shall be based on the gross hourly rate of the IT employee designing and entering the search criteria for the requested records and retrieving the data.	
e. Computer Media (CD)	\$5.00 per CD required
f. Public Inspection	Gross hourly rate
The County shall charge an hourly fee, pro-rated, based on the gross hourly rate of the employee tasked with making records available to the public for inspection. The rate shall be charged for the entire time the records are open for inspection and the employee has control of the records for inspection.	

D. Related FOIA issues

- i. The Richland County Ombudsman's Office will compile and maintain a computerized log of all FOIA requests.
- ii. FOIA requests and/or responses may contain sensitive or confidential information. Employees involved in the FOIA process must maintain confidentiality as it relates to FOIA's.
- iii. Certain information received from the IT department or GIS is copyrighted material. Richland County restricts further commercial distribution of public documents pursuant to a copyright by requiring anyone requesting the copyrighted documents to sign a licensing agreement acknowledging the copyright on the

information and restricting any further commercial use without prior written consent from the County. The Ombudsman's Office shall include the above copyright statement on all such information provided and work with the County IT/GIS to have the appropriate documentation signed by the requestor.

- iv. The above fee schedule shall not be subject to the yearly CPI increase, but shall be subject to change at any time by the Richland County Council.

County Administrator

Date

Date adopted by Richland County Council: _____

Richland County Council Request of Action

Subject:

Council Motion: Seed Funding for Commemorating Fort Jackson's 100th Birthday [PAGES]

Richland County Council Request of Action

Subject: Council Motion: Seed Funding for Commemorating Fort Jackson's 100th Birthday

A. Purpose

Council is requested to consider a motion brought forth by Councilmembers Manning and Dixon at the November 15, 2016 County Council meeting regarding the provision of "seed" funding commemorating Fort Jackson's 100th birthday event.

B. Background / Discussion

At the November 15, 2016 County Council meeting, Councilmember Manning brought forth the following motion:

"Seed Funding for Commemorating Fort Jackson's 100th Birthday"

The Gateway to the Army Association, per its website, is a South Carolina non-profit corporation established to encourage patriotism by facilitating honor and respect for the Army.

One of its projects is to honor Fort Jackson's centennial in 2017 by the funding and constructing a monument and park to provide a place where those connected to Fort Jackson and Fort Jackson's friends, amongst other events, can congregate; conduct graduations, retirements and awards ceremonies, while honoring and appreciating what Fort Jackson does and has done since its inception in 1917.

Per the Council motion, Council is requested to contribute funding to the Gateway to the Army Association for purpose as described above.

The County's Hospitality Tax fund balance would be an available funding source.

C. Legislative / Chronological History

November 15, 2016 – Council motion: "Seed Funding for Commemorating Fort Jackson's 100th Birthday"

D. Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed accordingly.

E. Final Recommendation

The decision to funding the commemoration of Fort Jackson's centennial is ultimately a funding decision for County Council. However, Council may consider providing an initial funding commitment to facilitate or "seed" this endeavor using the Hospitality fund balance as a funding source. Any additional funding considerations to be vetted by staff and reviewed by Council during the Biennium Budget I process.