



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Julie-Ann Dixon	Bill Malinowski	Norman Jackson (Chair)	Jim Manning	Seth Rose
District 9	District 1	District 11	District 8	District 5

**MARCH 26, 2013  
5:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: February 26, 2013 [PAGES 3-5]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Broad River Sewer Monthly User Fees [PAGES 6-28]
3. Pawmetto Lifeline Contractual Programs [PAGES 29-39]
4. Community Use of County Facilities [PAGES 40-47]

5. Customer Service Policy Addition to Employee Handbook [**PAGES 48-51**]
  
6. 2013 Fair Housing Proclamation [**PAGES 52-55**]
  
7. Palmetto Health Alliance and Richland Memorial Hospital Board of Trustees MOUs: Elimination of Presentations During a Council Meeting [**PAGES 56-69**]
  
8. Expiration of Contracts for Solid Waste Curbside Collection Service Areas 5A, 5B & 7 [**PAGES 70-75**]

## **ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: February 26, 2013 [PAGES 3-5]

## **Reviews**

# MINUTES OF



## RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, FEBRUARY 26, 2013 5:00 P.M.

*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.*

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### MEMBERS PRESENT

Chair: Norman Jackson  
Member: Julie-Ann Dixon  
Member: Bill Malinowski  
Member: Jim Manning  
Member: Seth Rose

**ALSO PRESENT:** Kelvin E. Washington, Sr., Paul Livingston, Torrey Rush, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Amelia Linder, Justine Jones, Brad Farrar, Donny Phipps, Dale Welch, Tracy Hegler, Andy Metts, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting started at approximately 5:16 p.m.

### ELECTION OF CHAIR

Mr. Rose moved, seconded by Mr. Malinowski, to nominate Mr. Jackson for the position of Chair.

Mr. Malinowski moved, seconded by Mr. Rose, to close nominations. The vote in favor was unanimous to close the nomination and elect Mr. Jackson by acclamation.

### APPROVAL OF MINUTES

**January 22, 2013 (Regular Session)** – Mr. Rush moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote was in favor.

### ADOPTION OF AGENDA

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



## ITEMS FOR ACTION

**Require Utility Providers to Obtain Permission Before Doing Work in Richland County** – Mr. Manning moved, seconded by Mr. Rose, to defer this item in Committee. The vote in favor was unanimous.

**Purchase of Parcels for Devil’s Ditch Enhancement** – Mr. Rose moved, seconded by Mr. Malinowski, to forward to Council a recommendation to approve the purchase of six (6) undeveloped parcels without the use of real estate appraisals where the parcels can be purchased at or below the cost of the associated appraisals.. The vote in favor was unanimous.

**Review Change of Use Requirements for Small Businesses on Existing Property** – Mr. Rose moved, seconded by Mr. Malinowski, to forward to Council a recommendation to table. The vote in favor of the amended motion was unanimous.

**Correcting Reference to Building Codes Board of Adjustments** – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council a recommendation to approve the ordinance correcting the improper reference to “Building Codes Board of Adjustment”. The vote in favor was unanimous.

**Modification of Kershaw County WWTP Settlement** – Mr. Manning moved, seconded by Mr. Rose, to forward to Council a recommendation to approve the request to amend the 2006 Agreement as presented. The vote in favor was unanimous.

## ADJOURNMENT

The meeting adjourned at approximately 5:20 p.m.

Submitted by,  
Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Broad River Sewer Monthly User Fees [**PAGES 6-28**]

**Reviews**

## Richland County Council Request of Action

**Subject:** Broad River Sewer Monthly User Fees

### **A. Purpose**

County Council is requested to provide direction relating to the implementation of prospectively metering sewer for customers served by Richland County Utilities in unincorporated Richland County.

### **B. Background / Discussion**

At the May 15, 2012 Council Meeting, the following motion was made by Mr. Malinowski:

“Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of four or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities, the following motion is being made:

“Determine per gallon usage rates for sewer in counties of comparable size to Richland County, and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County.”

This item was referred to the Development & Services (D&S) Committee.

The current Broad River Sewer Monthly User Fee is based on the number of Residential Equivalency Units (REUs) assigned to each residential/commercial property. Each REU is equivalent to the production of 400 gallons of waste water per day, or 12,000 gallons a month, based on South Carolina Department of Health and Environmental Control (SCHDEC) unit contributory loading guidelines. A rate of \$46.54 per REU is charged to the customer per month, and billing occurs on a quarterly basis. This rate is based on the operational and maintenance costs for the Broad River Wastewater System. Each property is charged a minimum of one (1) REU per month.

- On June 26, 2012 the D&S Committee was provided with an ROA containing preliminary information on metering current and future customers (see Appendix 1).
- On July 31, 2012 the D&S Committee was provided updated information on metering current and future customers in a Memorandum (see Appendix 2).
- On October 23, 2012 the D&S Committee was provided information on implementing a sanitary sewer fee based on monthly water consumption for current and prospective customers (see Appendix 3). Appendix 3 details the costs associated with implementing the new rate structure on all existing customers.

- On October 23, 2012 at the D&S Committee Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation to table. Additionally, a recommendation was made that “by the first of the year, staff provide information regarding the feasibility of metering sewer in unincorporated Richland County in the future and to direct staff to review other similar roads in the County.”

Utilities staff has researched and compiled all information relating to the feasibility of prospectively metering sewer in unincorporated Richland County. This information is being provided to Council as Appendix 4, which is titled Implementation Process to Institute a Sanitary Sewer Fee Based on Monthly Water Consumption for Prospective Customers. This document is a collection of information that the Finance Department and the Utilities Department gathered to assist County Council with their decision to modify the monthly sanitary sewer user fee.

Appendix 4 provides detailed information from the City of Columbia which discusses information collected from other counties, challenges to implementing the water consumption based fee, and implementation of cost estimates and recurring annual cost estimates. Appendix 4 also includes a proposed implementation plan if Council decides to proceed with the development of a new rate structure.

Table 1 and Table 2 summarize and compares the implementation and annual costs of implementing a rate, based on water consumption, for all customers versus prospective customers.

**Table 1 - Estimated Implementation Costs:**

Item	All Customers Implementation Costs	Prospective Customers Initial Implementation Costs	Prospective Customers Initial Implementation Costs
Water consumption data	\$2,500	\$2,500	
Billing software	\$60,000	\$60,000	
Additional vehicle for Utilities personnel	\$25,000		\$25,000
Cost to develop software	\$5,000	\$5,000	
<b>Total Implementation Costs</b>	<b>\$92,500</b>	<b>\$67,500</b>	<b>\$25,000</b>

**Table 2 - Estimated Annual Costs:**

Item	All Customers Recurring Annual Costs	Prospective Customers Recurring Annual Cost	Prospective Customers Future Recurring Annual Cost
Utilities Department personnel costs	\$40,000		\$40,000
Finance Department personnel costs	\$95,706	\$95,706	
Vehicle maintenance & depreciation	\$11,100		\$11,100
Water consumption	\$30,000	\$4,800	\$25,200

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data			
Costs to process monthly usage data	\$2,500	\$2,500	
Monthly billing costs	\$8,200	\$8,200	
Additional costs identified by the Finance Department	\$4,000	\$4,000	
<b>Total Annual Costs</b>	<b>\$191,506</b>	<b>\$115,206</b>	<b>\$76,300</b>

**C. Legislative / Chronological History**

- At the November 13, 2012 Council meeting, the Broad River Sewer Monthly User Fees ROA was forwarded by the D&S Committee. The D&S Committee recommended that County Council table the item. This item was listed as item # 30 under Approval of Consent Items on the Agenda. Mr. Pearce moved, seconded by Ms. Dickerson, to approve the consent items.
- At the October 23, 2012 D&S Committee, a Request for Action was presented. Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation to table. Additionally, a recommendation was made that by the first of the year, staff provide information regarding the feasibility of metering sewer in unincorporated Richland County in the future and to direct staff to review other similar roads in the County.
- At the July 31, 2012 D&S Committee meeting, an updated memorandum concerning the Broad River Sewer Monthly User Fees was presented to the Committee. Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the September Committee meeting. The vote in favor was unanimous.
- At the June 26, 2012 D&S Committee meeting, preliminary information concerning the Broad River Sewer Monthly User Fee was provided to the Committee by the Utilities staff. Mr. Malinowski moved, seconded by Ms. Hutchinson, to hold this item in committee to obtain additional information from the County’s Utilities Department and City of Columbia. The vote in favor was unanimous.
- At the May 15, 2012 Council Meeting, the motion, which is referenced above under the Background / Discussion section, was made by Mr. Malinowski. This is how the ROA was initially generated.

**D. Financial Impact**

All Richland County Utility systems are established as self-supporting enterprise funds. Therefore, all costs associated with the implementation of this program will be passed on to the customer unless another source of funds is identified. However, the following are the additional costs associated with implementation:

The estimated one-time up-front cost to implement a consumption-based monthly user fee is approximately \$67,500. If implemented, staff will be required to read approximately 800 water meters per month which will require the purchase of an additional vehicle. More detail can be found on page 3 of Appendix 4 and in Table 1 of this ROA.

The initial recurring annual cost to maintain this program is estimated to be \$115,206. In addition, once staff is required to read over 800 water meters per month, it will be necessary to hire additional staff, account for additional vehicle maintenance and operation costs, and

account for the increased costs of purchasing additional water consumption data. These costs are provided in more detail on page 3 of Appendix 3 and in Table 2 of this ROA.

**E. Alternatives**

1. Approve the request to develop and implement a sewer rate based on water consumption for prospective customers as described in Appendix 4.
2. Do not approve the request to develop and implement a sewer rate based on water consumption for prospective customers. This means the Utilities Department would continue charging a flat rate of \$46.54 based on Unit Contributory Guidelines as provided by SCDHEC.

**F. Recommendation**

Based upon the additional cost that would be passed on to the customer and the operational challenges of implementation, it is recommended that the County maintain its current flat rate method for charging monthly sewer user fees.

Recommended by: Andy H. Metts

Department: Utilities

Date: 3/1/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/5/13

Recommend Council approval

Recommend Council denial

Recommend Council Discretion

Comments regarding recommendation: This is a policy decision for Council on the preferred method for calculating the cost of service provided and the level of service deemed appropriate. The research does suggest that a consumption based fee system could be implemented if approved by Council. It is still unclear on the range of impact on the household level bill based on the proposed method. The estimated incremental annual cost (approx. \$191k) could be included over the system for approximately 4% increase or less than \$2 per month however the actual increase would probably be less due to efficiencies gained within the system over time.

**Legal**

Reviewed by: Elizabeth McLean

Date: 3/6/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. Previous legal opinion available upon Council request.

**Administration**

Reviewed by: Sparty Hammett

Date: 3/18/13

Recommend Council approval

Recommend Council denial

Recommend Council Discretion

Comments regarding recommendation: This a policy decision for Council. The consumption based fee system would provide a means for billing prospective customers for their true usage; however, this hybrid billing system would require additional operating costs which would have to be passed on to customers.

**Richland County Council Request of Action**

**Subject:** Broad River Sewer Monthly User Fees

**A. Purpose**

The purpose of this report is to provide County Council with information relating to the motion made by Councilman Malinowski during the May 15, 2012 Council meeting. The motion is as follows:

“Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of 4 or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities the following motion is being made: Determine per gallon usage rates for sewer in counties of comparable size to Richland County and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County.”

**B. Background**

The Richland County Utilities Department provides sewer service to approximately 10,000 residential and commercial customers. In addition, the Utilities Department provides water service to less than 600 residential customers. Only a small portion of the County’s water customers (15) are also County sewer customers.

Richland County’s sewer service area is considerably different than a municipality’s service area. The County’s service area is mostly in the unincorporated areas of the County where public water service may or may not be available. A specific survey has not been completed, but from reviewing sewer system service area maps, an estimated seventy percent (70%) of the County’s sewer customers may have access to a public water system. The remaining thirty percent (30%) obtain their water from private wells.

Several public water systems provide water service within the County’s sewer service area with the City of Columbia’s system being the largest. Of the seventy percent (70%) on public water, approximately fifty percent (50%) would be on the City of Columbia’s system with the remaining twenty percent (20%) being supplied by small community water systems. These small community water systems may be either owned and operated by a community or homeowners association. The water supplied by these small community water systems may or may not be metered for use.

**C. Discussion**

Richland County has historically charged a flat rate for sewer service due to a lack of access to water usage data. As mentioned above, the City of Columbia is the largest supplier of water in the County’s service area. Attempts have been made in the past to obtain water usage data from the City for County sewer customers. The City provides water service to approximately 132,000 customers. The problem with obtaining water

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usage data for County sewer customers only was the ability to identify those customers from the list of 132,000 customers that the City can provide.

In addition to not being able to identify the County customers from the City’s list, there also exist approximately 2000 sewer customers who receive their water from small community water systems and 3000 sewer customers who receive their water from private wells. These wells normally do not have water meters nor does anyone collect any data on water consumption. Also, the small community water systems that are homeowner association owned likely do not have water meters installed to measure water consumption.

**D. Alternatives**

1. The County can continue to charge a flat rate for monthly sewer usage. This is a common practice industry-wide where water usage data is not available.
2. The County can develop a program to collect water usage data from all sewer customers. This would require:
  - A. developing a software program to extract County customer data from City of Columbia water customer data,
  - B. maintaining and updating the software program mentioned above with new customer data monthly,
  - C. installing water meters on all private wells and community water systems without meters. This may require permission and a hold harmless agreement with the property owners,
  - D. develop a program to read water meters on private wells. This would likely require additional Utilities personnel,
  - E. modifying the County rate ordinance to reflect a new water usage rate structure.
3. The county can develop a hybrid monthly user fee to charge customers with available water consumption data a monthly fee based on consumption and a flat monthly fee for those without water consumption data. Many of the same requirements as identified in option #2 above would also apply to this option. This option should be discussed in greater detail with the Legal Department prior to implementation.

**E. Financial Impact**

Alternative#1 above would have no financial impact on the Utilities Operation. Alternatives #2 and #3 may require additional funds to develop a program to receive data from the City, install water meters and fund personnel to implement and maintain the program. Additional research would be required to estimate the actual implementation cost.

**F. Recommendation**

Defer to Council’s discretion.

**Recommended for discussion by:** Councilman Malinowski      **Date** 6/12/12

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

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**Utilities**

Reviewed by: Andy Metts Date: 6/13/12

- Recommend Council approval of alternative #1  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation: Because of the obstacles and possible additional cost associated with implementing a water usage based rate structure, it is recommended that the monthly user fee remain as a flat rate. Flat Rate is the most common rate used by Utilities that provide only sewer service.

**Finance**

Reviewed by: Daniel Driggers Date: 6/13/12

- Recommend Council approval  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation:

Alternative one is consistent with the County’s current practice. Based on the information provided, additional research would be needed to determine the financial viability of alternative 2 or 3.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 6/14/12

- Recommend Council approval  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 6/14/12

- Recommend Council approval  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Sparty Hammett Date: 6/19/12

- Recommend Council approval  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of Alternative 1 – continuing to charge a flat monthly rate.

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**RICHLAND COUNTY**  
Department of Utilities  
7525 Broad River Road  
Irmo, South Carolina 29063

Andy H. Metts, Director

Phone: (803) 401-0050  
Facsimile: (803) 401-0030

24 hr Maintenance: (803) 401-0050  
Billing: (803) 576-2094

**MEMORANDUM**

July 26, 2012

TO: D & S Committee Members

FROM: Andy H. Metts, Utilities Director

SUBJECT: Broad River Sewer Monthly User Fees

The Utilities Department and Finance Department staff are working together to collect data, develop an implementation plan and estimate the cost of possibly converting the current sewer monthly user fee from a flat rate to one based upon water consumption. Some information has been collected but other information is still pending and is dependent upon a third party response. Discussions with the third parties are continuing and a plan will be presented to the D&S Committee as soon as it is complete.

The following are task completed to date:

- The Finance Department Staff has contacted several other counties and requested information on water and sewer rates in those counties. This information is compiled in a spreadsheet for further review and comparison.
- The Utilities Department has had several discussions with members of the City of Columbia Utilities Staff. As discussions proceeded through the chain-of-command, it may be possible for the City to provide the County with the water usage data needed to implement a sewer rate based on water consumption. Early indications are that the City would charge the County a fee for extracting the data and delivering this information to the County on a monthly basis.

Currently discussions are being held between the County staff and the City's IT staff to first, determine the format required for the data and then determine if the format is possible, and if so, at what cost to the County.

- Data has been collected on the cost of installation of water meters on private wells if those customers elect to install a water meter.

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July 26, 2012  
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The following tasks are pending completion:

- Continued discussions with the City of Columbia on format and cost to provide water usage data on a monthly basis.
- Continue discussions with other public and private water providers in the area to determine if water usage data can be obtained.
- Develop final cost and specifications on individual water meter installations if the customers elect to install meters.
- Develop staffing and equipment requirements to collect and use water usage data.
- Develop cost to modify customer billing system to incorporate a new rate structure.
- Prepare a final implementation for package for consideration by the D&S Committee.

Information continues to be collected, reviewed and analyzed on the above described task.

AHM/jbf

**Richland County Council Request of Action**

**Subject:** Broad River Sewer Monthly User Fees

**A. Purpose**

The purpose of this report is to provide County Council with additional information and to seek Council's direction relating to the motion made by Councilman Malinowski during the May 15, 2012 Council meeting.

**B. Background / Discussion**

Mr. Malinowski's motion from the May 15, 2012 Council Meeting is as follows:

**Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of 4 or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities the following motion is being made: Determine per gallon usage rates for sewer in counties of comparable size to Richland County and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County.**

Preliminary information on this subject has been provided to the D&S Committee on June 26, 2012 and July 31, 2012. Copies of this information are attached as Attachments "B" and "C."

Attachments "B" and "C" provided Council with general information relating to the number of customers that may be affected if a new monthly user fee rate structure is adopted. They also included general information on data and actions completed to date, and also outlined additional actions to be completed.

The most current and detailed information available is attached as Attachment "A" and is titled "Implementation Process to Institute a Sanitary Sewer Fee Based on Monthly Water Consumption." This attachment is a summary of all the information that both the Richland County Finance Department and the Utilities Department have been able to accumulate to assist County Council with their decision on modifying the sewer monthly user fee.

Attachment "A" provides details on information gathered from the City of Columbia, discusses information collected from other counties, discusses implementation challenges, and provides both up front implementation cost estimates and re-occurring annual cost estimates. Attachment "A" also includes a proposed implementation plan if Council decides to proceed with the development of a new rate structure.

A confidential memo from our Legal Department will be sent under separate cover.

It is at this time that Council's direction regarding this matter is requested.

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**C. Legislative / Chronological History**

- o This motion was referred to the D&S Committee during the May 15, 2012 Council meeting.
- o Preliminary information was presented to the D&S Committee during the June 26, 2012 meeting. Council directed staff to continue to gather information from the City and report back.
- o An update memorandum was presented to the D&S Committee during the July 31, 2012 meeting. This item remained in Committee pending Utilities staff providing additional information.

**D. Financial Impact**

Based on the information contained in Attachment “A,” the estimated one-time up-front cost to implement a consumption-based monthly user fee would be approximately \$92,500.00. This cost includes the cost to obtain initial data from the City, software cost, and the cost of a vehicle for a meter reader. The estimated recurring annual cost to maintain this program would be approximately \$177,000.00. This cost would include additional personnel, vehicle operation and maintenance, monthly water consumption data from the City, and additional billing costs.

All Richland County Utility systems are established as self-supporting enterprise funds. Therefore, all costs associated with the implementation of this program would be passed on to the customer unless another source of funds could be identified.

**E. Alternatives**

1. The County can continue to charge a flat rate (\$46.54) for monthly sewer usage.
2. The County can develop a monthly user fee based on water consumption as described in Attachment “A.”

**F. Recommendation**

Based upon the additional cost that would be passed on to the customer and the operational challenges of implementation, it is recommended that the County maintain its current flat rate method for charging monthly sewer user fees.

Recommended by: Andy H. Metts Department: Utilities Date: October 4, 2012

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 10/15/12  
 Recommend Council approval  Recommend Council denial  
 Recommend Council Discretion  
 Comments regarding recommendation:

This is a policy decision for Council on the preferred method of determining the cost to provide a service. Based on the research, it seems that a consumption based fee system could be implemented if approved by Council. At this point it is unclear how the monthly fee per household would compare to the existing structure.

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**Legal**

Reviewed by: Elizabeth McLean

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council Discretion. Please see the legal opinion provided under separate cover.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/18/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Implementation of a billing system based on water consumption would require an upfront cost of \$92,500 and increase annual operating costs by \$177,000. These additional costs would have to be passed on to the customers.

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## Implementation Process to Institute a Sanitary Sewer Fee Based on Monthly Water Consumption

### I. Accomplished to date

- A. In reviewing service area maps, RCU has determined that there are approximately 5,000 customers that are served by the City of Columbia Water System in the Broad River Sanitary Sewer Service Area. However, additional time will be needed to completely identify all customers that are served by a public water system.
- B. RCU and Finance Department representatives have met with representatives from the City of Columbia to ascertain whether or not the City would be willing to forward water consumption data for customers located within the Broad River Sanitary Sewer Service Area and in what manner this information would be forwarded to the County.
  1. The City has stated that they would be willing to forward the water consumption data to RCU on a monthly basis at a cost of \$0.50 per record for each individual customer. The estimated cost of receiving this data from the City is included in table # 1 below.
  2. City representatives have stated that there are ten (10) individual billing cycles in a month. If the County requested the current month's water consumption data on the 1<sup>st</sup> of the month, the data would not be received until the end of the same month (approximately 30 day turn around period).
  3. City and County representatives will need to determine a manner in which to identify customers in order to recover the data from the City's database.
  4. The Finance Department has contacted the other 45 counties in South Carolina to determine if they provide utility services and if so how their utility fees are determined out of the 45 counties:
    - i. only five (5) counties (Berkeley, Clarendon, Dorchester, McCormick, and York) offer both sanitary sewer and water service. Out of those five (5) counties, three (3) counties (Berkeley, Clarendon & Dorchester) charge a flat rate for sanitary sewer services while water rates are based on consumption.
    - ii. The other two (2) counties (McCormick and York) charge a sewer rate based on in-house water consumption data.
    - iii. All five (5) counties bill on a monthly basis.
    - iv. In addition, there are two (2) counties (Anderson & Kershaw) that offer just sanitary sewer services. Anderson County has approximately 425 customers that are billed for sewer service on a consumption rate. Local water service providers provide hard copies of the consumption data to Anderson County. Kershaw County also bills their sewer customers utilizing a consumption rate. They obtain their water usage data from Lugoff-Elgin Water Authority. Both sewer systems are relatively very small.

- C. A preliminary legal review indicates that a hybrid rate, where one customer has a monthly charge based on water consumption and another customer receiving the same service has a monthly charge based on a flat rate, may not be easily defensible. But, if the customer who is normally charged a flat rate is given an opportunity to install a water meter and become a consumption based customer, then the hybrid rate becomes more defensible.
- D. Cost estimates have been obtained for sewer customers not currently on a metered water supply, to purchase and have installed on their property and at their cost, a water meter that is compatible with the County's meter reading system. A cost estimate has also been developed for a customer that elects to have the County install the meter on their behalf. Those cost estimates are included in table # 2 below.
- E. The Utilities Department has reviewed their current operational activities and determined that approximately 2 minutes per month per customer is spent reading water meters. If the approximate 5000 sewer customers currently on unmetered water services elect to install water meters and become consumption based sewer customers, then an additional 166 man-hours per month will be required to read the additional water meters. A new employee would be required in the Utilities Department to accomplish this task. The employee would require a vehicle which would require annual maintenance and fuel. The estimated cost to the Utilities Department is included in table #1 below.
- F. A new billing software system would be required to accept the water meter reading data and generate a monthly sewer bill base upon water consumption. The estimated cost of this new software is included in table # 1 below.
- G. The Finance Department staff will be required to modify their current billing process. This will likely require additional man-hours to request the water consumption data from the City of Columbia, process the water meter reading data as provide by the Richland County Utilities Department, produce the monthly billing data and process the monthly sewer bill for mailing.

It is recommended that a consumption based sewer bill be sent out monthly rather than quarterly as is currently the practice. Monthly billing will allow customer to investigate the cause of a higher than normal sewer bill and make repairs to leaks or other adjustments which may affect subsequent sewer bills. Monthly bill will increase the number of man-hours required to prepare the bills and will also increase the postage required for the mailings. These costs are estimated in table # 1 below.



Table # 1

<b>Estimated Implementation Costs</b>			
Item	# of Units	Cost per unit	Total Cost
City of Columbia water consumption data*	5000	\$ 0.50	\$ 2,500.00
Billing software**	1	\$ 60,000.00	\$ 60,000.00
Vehicle for Utilities Site Coordinator	1	\$ 25,000.00	\$ 25,000.00
Costs to develop software to rec. & proc. external data	1	\$ 5,000.00	\$ 5,000.00
<b>Total Up-front Cost</b>			<b>\$ 92,500.00</b>

<b>Estimated Annual Costs</b>			
Item	# of Units	Cost per unit	Total Cost
Utilities Dept. pers. cost (Utilities Site Coordinator)***	1	\$ 40,000.00	\$ 40,000.00
Finance Department personnel cost (System Specialist & Billing/Collection)	1	\$ 95,706.00	\$ 95,706.00
Vehicle maintenance/depreciation****	1	\$ 11,100.00	\$ 11,100.00
Water consumption reports (City of Columbia)*****	12	\$ 2,500.00	\$ 30,000.00
Monthly Fin. Dept. costs to proc. monthly usage data	1	\$ 2,500.00	\$ 2,500.00
Monthly Fin. Dept. billing costs	1	\$ 8,200.00	\$ 8,200.00
Other costs as identified by the Fin. Dept.	1	\$ 4,000.00	\$ 4,000.00
<b>Total Annual Cost</b>			<b>\$ 176,806.00</b>

\*A 12 month water consumption history will be obtained from the City of Columbia for water customers that are located in the Broad River sanitary sewer service area. This data will be used to determine the rates needed to maintain the current O&M budget for the Broad River sanitary sewer service area.

\*\*The cost of the Billing Software is based on an estimate given to RCU in 2007. This billing software would need to be reviewed with the Finance Department and the estimate updated for a final cost.

\*\*\*There are approximately 10,000 customers in the Broad River Service Area. Out of the 10,000 customers, approximately 5,000 customers will need to have their individual meters read if the customers elect to have their sanitary sewer rate based on water consumption. It will take approximately 2 minutes to read each meter. At a rate of 2 minutes per meter, personnel could read approximately 200 meters/day, 1000 meters/week, 4000 meters/month. This may necessitate the need for additional assistance from other personnel.

\*\*\*\*The cost of Vehicle Maintenance/Depreciation is based on the current IRS mileage rate of \$0.555/mile at 20,000 miles/year.

\*\*\*\*\*Approximately 5000 RCU customers are supplied water by the City of Columbia. In order to charge sanitary sewer rates based on monthly water consumption, RCU will need to request monthly water consumption reports for those from the City of Columbia for those customers. The cost will be \$0.50/customer report.

II. Present information to County Council and request further direction.

Item# 6

Attachment number 1  
Page 6 of 13

Item# 2

Attachment number 1  
Page 15 of 22

III. Actions to be undertaken if County Council approves the development of an implementation plan

- A. All customers that are served by the City of Columbia Water Department and RCU's Broad River Waste Water Sewer Service Area will be identified. This action will require a considerable number of man-hours from Existing Utilities personnel.
- B. Once a list of sewer customers who receive water service from the City is developed, monthly water consumption data, for the last 12 months, for the above referenced customers will be requested from the City of Columbia; this may have a cost of approximately \$2500
- C. All water service providers, in addition to the City of Columbia, within the Broad River Sanitary Sewer Service Areas, will be identified and all affected customers within said service areas will be identified
- D. Monthly water consumption data from the City of Columbia will be obtained and reviewed to determine appropriate monthly sanitary sewer rates in order to maintain the current Operating Budget for the Broad River Service Area.
- E. Determine costs for the Finance Department and Utilities Department to implement a monthly sanitary sewer fee based on monthly water consumption:
- F. Identify, with the assistance of the Finance Department, an appropriate Utility Billing Software.
- G. Develop a final implementation plan for presentation to County Council
  1. Provide the number of customers within the City of Columbia Water Department and RCU's Broad River Waste Water Sewer Service Area.
  2. Provide the average monthly water consumption rate for said customers.
  3. Recommend the appropriate monthly user fee based on water consumption.
  4. Present and recommend a Utility Billing Software.
  5. Present costs for the Finance Department and Utility Department to implement a sanitary sewer rate based on monthly water consumption.
  6. Provide a final implementation plan schedule.
- H. Present the final implementation to County Council and obtain approval for execution.
- I. Draft, present, and obtain the approval of an intergovernmental agreement between the City of Columbia, other water service providers, and RCU to obtain the monthly water consumption for customers within the Broad River Sewer Service Area

- J. Implementation of the Utility Billing Software
- K. Contact Broad River Sewer Service Area customers and inform them of the option of the new water consumption based sanitary sewer rates
  - 1. Customers will be informed that they either have the option to continue with their current flat sewer rates or that they can participate in the new rates based on water consumption
  - 2. Customers will be made aware of the necessary requirements to be charged the sewer rates based on water consumption (i.e. plumbing modifications and the installation of a Hot Rod water meter). Costs for these modifications are listed below in Table # 2.

Table # 2

<b>Costs Incurred by the Customer (all costs paid by the Customer)</b>			
Associated costs if the water meter is installed by the Customer			
Item	# of Units	Cost per unit	Total Cost
Water Meter*	1	\$ 317.30	\$ 317.30
<b>Total Cost</b>			<b>\$ 317.30</b>
Associated Costs if the water meter is installed by Richland County Utilities for the Customer			
Item	# of Units	Cost per unit	Total Cost
Water Meter*	1	\$ 317.30	\$ 317.30
Miscellaneous plumbing fittings	1	\$ 50.00	\$ 50.00
Labor Costs**	2	\$ 72.00	\$ 144.00
<b>Total Cost</b>			<b>\$ 511.30</b>
*The cost of the water meter may fluctuate on an annual basis depending on current market conditions and pricing provided by the vendor. The sanitary sewer customer would purchase the meter directly from RCU, at cost.			
**Labor costs are based on current market rates as provided in maintenance contracts between RCU and its contractors.			

Item# 6

Attachment number 1  
Page 8 of 13

Item# 2

Attachment number 1  
Page 17 of 22

## Implementation Process to Institute a Sanitary Sewer Fee Based on Monthly Water Consumption for Prospective Customers

### I. Accomplished to date

- A. RCU and Finance Department representatives have met with representatives from the City of Columbia to ascertain whether or not the City would be willing to forward water consumption data for customers located within the Broad River Sanitary Sewer Service Area and in what manner this information would be forwarded to the County.
1. The City has stated that they would be willing to forward the water consumption data to RCU on a monthly basis at a cost of \$0.50 per record for each individual customer. The estimated cost of receiving this data from the City is included in table # 1 below.
  2. City representatives have stated that there are ten (10) individual billing cycles in a month. If the County requested the current month's water consumption data on the 1<sup>st</sup> of the month, the data would not be received until the end of the same month (approximately 30 day turn around period).
  3. City and County representatives will need to determine a manner in which to identify customers in order to recover the data from the City's database.
  4. The Finance Department has contacted the other 45 counties in South Carolina to determine if they provide utility services and if so how their utility fees are determined out of the 45 counties:
    - i. only five (5) counties (Berkeley, Clarendon, Dorchester, McCormick, and York) offer both sanitary sewer and water service. Out of those five (5) counties, three (3) counties (Berkeley, Clarendon & Dorchester) charge a flat rate for sanitary sewer services while water rates are based on consumption.
    - ii. The other two (2) counties (McCormick and York) charge a sewer rate based on in-house water consumption data.
    - iii. All five (5) counties bill on a monthly basis.
    - iv. In addition, there are two (2) counties (Anderson & Kershaw) that offer just sanitary sewer services. Anderson County has approximately 425 customers that are billed for sewer service on a consumption rate. Local water service providers provide hard copies of the consumption data to Anderson County. Kershaw County also bills their sewer customers utilizing a consumption rate. They obtain their water usage data from Lugoff-Elgin Water Authority. Both sewer systems are relatively very small.
- B. A preliminary legal review indicates that a hybrid rate, where one customer has a monthly charge based on water consumption and another customer receiving the same service has a

## Appendix 4 – Page 2 of 5

monthly charge based on a flat rate, may not be easily defensible. But, if the customer who is normally charged a flat rate is given an opportunity to install a water meter and become a consumption based customer, then the hybrid rate becomes more defensible.

- C. Cost estimates have been obtained for sewer customers not currently on a metered water supply, to purchase and have installed on their property and at their cost, a water meter that is compatible with the County's meter reading system. A cost estimate has also been developed for a customer that elects to have the County install the meter on their behalf. Those cost estimates are included in table # 2 below.
- D. The Utilities Department has reviewed their current operational activities and determined that approximately 2 minutes per month per customer is spent reading water meters.
  - 1. If new customers, who are on private well systems, elect to install water meters and become consumption based sewer customers additional man-hours per month will be required to read the water meters. Current staff could be utilized to read up to 800 water meters a month (30 man hours or one full day/week). However, once staff is required to read more than 800 meters a month, a new employee would be required in the Utilities Department to accomplish this task. The employee would require a vehicle which would require annual maintenance and fuel. The estimated cost to the Utilities Department is included in table #1 below.
  - 2. If new customers, who are served by a public water system, elect to become consumption based sewer customers, their water consumption information will need to be requested from the water service providers on a monthly basis.
- E. A new billing software system would be required to accept the water meter reading data and generate a monthly sewer bill base upon water consumption. The estimated cost of this new software is included in table # 1 below.
- F. The Finance Department staff will be required to modify their current billing process. This will likely require additional man-hours to request the water consumption data from the City of Columbia, process the water meter reading data as provide by the Richland County Utilities Department, produce the monthly billing data and process the monthly sewer bill for mailing.

It is recommended that a consumption based sewer bill be sent out monthly rather than quarterly as is currently the practice. Monthly billing will allow customer to investigate the cause of a higher than normal sewer bill and make repairs to leaks or other adjustments which may affect subsequent sewer bills. Monthly bill will increase the number of man-hours required to prepare the bills and will also increase the postage required for the mailings. These costs are estimated in table # 1 below.

Table # 1

<b>Estimated Implementation Costs</b>			
Item	# of Units	Cost per unit	Total Cost
City of Columbia water consumption data to develop rates *	5000	\$ 0.50	\$ 2,500.00
Billing software**	1	\$ 60,000.00	\$ 60,000.00
Costs to develop software to rec. & proc. external data	1	\$ 5,000.00	\$ 5,000.00
<b>Initial Implementation Costs</b>			<b>\$ 67,500.00</b>
Vehicle for Utilities Site Coordinator (pur. after 800 new cust.)***	1	\$ 25,000.00	\$ 25,000.00
<b>Total Implementation Costs</b>			<b>\$ 92,500.00</b>
<b>Estimated Annual Costs</b>			
Item	# of Units	Cost per unit	Total Cost
Fin. Dept. pers. cost (System Specialist)	1	\$ 47,853.00	\$ 47,853.00
Fin. Dept. pers. cost (Billing/Collection Specialist)	1	\$ 47,853.00	\$ 47,853.00
Initial costs for water consumption data(City of Columbia)*****	1	\$ 4,800.00	\$ 4,800.00
Monthly Fin. Dept. costs to proc. monthly usage data	1	\$ 2,500.00	\$ 2,500.00
Monthly Fin. Dept. billing costs	1	\$ 8,200.00	\$ 8,200.00
Other costs as identified by the Fin. Dept.	1	\$ 4,000.00	\$ 4,000.00
<b>Initial Recurring Annual Costs</b>			<b>\$ 115,206.00</b>
Util. Dept. pers. cost (Util. Site Coordinator)***	1	\$ 40,000.00	\$ 40,000.00
Vehicle maintenance/depreciation****	1	\$ 11,100.00	\$ 11,100.00
Future costs for water consumption data(City of Columbia)*****	1	\$ 25,200.00	\$ 25,200.00
<b>Total Recurring Annual Costs</b>			<b>\$ 191,506.00</b>
<p>*A 12 month water consumption history will be obtained from the City of Columbia for water customers that are located in the Broad River sanitary sewer service area. This data will be used to determine the rates needed to maintain the current O&amp;M budget for the Broad River sanitary sewer service area.</p> <p>**The cost of the Billing Software is based on an estimate given to RCU in 2007. This billing software would need to be reviewed with the Finance Department and the estimate updated for a final cost.</p> <p>***If new customers, who are on private well systems, elect to install water meters and become consumption based sewer customers, additional man-hours per month will be required to read the water meters. Current staff could be utilized to read up to 800 water meters a month (30 man hours or one full day/week). However, once staff is required to read more than 800 meters a month a new employee would be required in the Utilities Department to accomplish this task.</p> <p>****The cost of Vehicle Maintenance/Depreciation is based on the current IRS mileage rate of \$0.555/mile at 20,000 miles/year.</p> <p>*****If new customers, who are served by a public water system, elect to become consumption based sewer customers, their water consumption information will need to be requested from the water service providers on a monthly basis. This cost will vary based on the data required from third party water service providers.</p>			

II. Present information to County Council and request further direction.

III. Actions to be undertaken if County Council approves the development of an implementation plan

- A. Monthly water consumption data, for the last 12 months, will be requested from the City of Columbia; this may have a cost of approximately \$2500
- B. All water service providers within the Broad River Sanitary Sewer service area, will be identified.
- C. Monthly water consumption data from the City of Columbia will be obtained and reviewed to determine appropriate monthly sanitary sewer rates in order to maintain the current Operating Budget for the Broad River Service Area.
- D. Determine costs for the Finance Department and Utilities Department to implement a monthly sanitary sewer fee based on monthly water consumption:
- E. Identify, with the assistance of the Finance Department, an appropriate Utility Billing Software.
- F. Develop a final implementation plan for presentation to County Council
  - 1. Provide the average monthly water consumption rate for said customers.
  - 2. Recommend the appropriate monthly user fee based on water consumption.
  - 3. Present and recommend a Utility Billing Software.
  - 4. Present costs for the Finance Department and Utility Department to implement a sanitary sewer rate based on monthly water consumption.
  - 5. Provide a final implementation plan schedule.
- G. Present the final implementation to County Council and obtain approval for execution.
- H. Draft, present, and obtain the approval of an intergovernmental agreement between the City of Columbia, other water service providers, and RCU to obtain the monthly water consumption for customers within the Broad River Sewer Service Area
- I. Implementation of the Utility Billing Software
- J. Inform new Broad River Sewer Service Area customers and inform them of the option of the new water consumption based sanitary sewer rates
  - 1. Customers will be informed that they have the option to be billed for their sanitary service based on a flat rate or that they can be billed based on their water consumption.

- 2. Customers will be made aware of the necessary requirements to be charged the sewer rates based on water consumption (i.e. plumbing modifications and the installation of a Hot Rod water meter). Costs for these modifications are listed below in Table # 2.

Table # 2

<b>Costs Incurred by the Customer (all costs paid by the Customer)</b>			
Associated costs if the water meter is installed by the Customer			
Item	# of Units	Cost per unit	Total Cost
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<b>Total Cost</b>			<b>\$ 317.30</b>
Associated Costs if the water meter is installed by Richland County Utilities for the Customer			
Item	# of Units	Cost per unit	Total Cost
Water Meter*	1	\$ 317.30	\$ 317.30
Miscellaneous plumbing fittings	1	\$ 50.00	\$ 50.00
Labor Costs**	2	\$ 72.00	\$ 144.00
<b>Total Cost</b>			<b>\$ 511.30</b>
<p><b>*The cost of the water meter may fluctuate on an annual basis depending on current market conditions and pricing provided by the vendor. The sanitary sewer customer would purchase the meter directly from RCU, at cost.</b></p> <p><b>**Labor costs are based on current market rates as provided in maintenance contracts between RCU and its contractors.</b></p>			



# Richland County Council Request of Action

## **Subject**

Pawmetto Lifeline Contractual Programs [**PAGES 29-39**]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Pawmetto Lifeline Contractual Programs

### **A. Purpose**

County Council is requested to approve the Spay/Neuter and Education Programs which have been proposed by Pawmetto Lifeline in accordance with the contract with Richland and Lexington Counties.

### **B. Background / Discussion**

Per the November 2008 contract with Pawmetto Lifeline (Attachment - "Contract for Private/Public Pet Services – Service Term Contract"; 4 pages), Richland County and Lexington County contributed \$1.5M each to Pawmetto Lifeline for the construction of its facility, which is located on property previously owned by Lexington County on Bower Parkway. Because of the financial commitment by the two counties, Pawmetto Lifeline agreed, via the contract, to provide a Spay/Neuter Program for pets of Lexington County and Richland County residents, a Spay/Neuter Educational Program for elementary, middle, and high school students in Lexington County and Richland County, and 1,200 adoptions annually from both Richland County and Lexington County shelters.

There have been several meetings with all parties (Richland, Lexington, and Pawmetto Lifeline) in an effort to ensure that the services and programs offered are appropriate, and meet the intended goals. At the final meeting, all parties were in attendance and all concerns were addressed. As a result of this meeting, it is staff's recommendation at this time to proceed with the programs proposed by Pawmetto Lifeline (Attachment - "Lexington / Richland Proposed Contractual Programs"; 5 pages) in accordance with the contract.

Please note that this item is on Lexington County Council's agenda for approval on March 26, 2013.

### **C. Legislative / Chronological History**

- November 14, 2008 - Lexington County and Richland County entered into the aforementioned agreement with Pawmetto Lifeline.
- 2009 – 2012 – Design / Construction of facility.
- March 7, 2012 – Grand Opening of Pawmetto Lifeline facility.

### **D. Financial Impact**

There is no financial impact associated with this particular request. These programs are a contractual obligation of Pawmetto Lifeline, and therefore, have no financial impact on the County.

Please note, however, per the 2008 Agreement, Richland County and Lexington County contributed \$1.5M each to Pawmetto Lifeline.

**E. Alternatives**

1. Approve the request to implement the Spay/Neuter and Education programs proposed by Pawmetto Lifeline, and recommended for approval by Richland County and Lexington County staff.
2. Approve the request in part to implement the Spay/Neuter and Education programs with amendments. This will require going back to Pawmetto Lifeline and Lexington County to “renegotiate” the programs. (Again – Lexington County is acting on these programs, as proposed, at its Council meeting on March 26, 2013.)
3. Do not approve the request to implement the Spay/Neuter and Education programs proposed by Pawmetto Lifeline. If this alternative is chosen, the citizens of Richland County will be unable to benefit from the proposed programs which were aimed at offering solutions for some of the problems of pet ownership in the county. One of those problems is pet overpopulation, which is very costly to the County.

**F. Recommendation**

Approve the implementation of the Spay/Neuter and Education programs proposed by Pawmetto Lifeline, and recommended for approval by Richland County and Lexington County staff.

Recommended by: Sandra Haynes      Department: Animal Care      Date: 3/11/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers      Date: 3/12/13  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: Recommendation is based on the fact that the financial commitment from the County has been satisfied and the proposal has been assessed and is supported by the Richland County Director of Animal Care.

**Legal**

Reviewed by: Elizabeth McLean      Date: 3/12/13  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Roxanne Ancheta      Date: March 12, 2013  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: It is recommended that Council approve the implementation of the Spay/Neuter and Education programs proposed by Pawmetto Lifeline as presented, and recommended for approval by Richland County and Lexington County staff.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

CONTRACT FOR PRIVATE/PUBLIC PET SERVICES  
SERVICE TERM CONTRACT

THIS AGREEMENT is entered into by and between the County of Lexington, 212 South Lake Drive, Suite 503, Lexington, South Carolina 29072 (hereinafter referred to as "County"), Richland County, 2020 Hampton Street, Suite 3064, Columbia, SC 29204 and Project Pet Inc., PO Box 1777, Columbia, SC 29202 (hereinafter referred to as "Company").

NOW THEREFORE, for and in consideration of the mutual covenants and conditions set forth herein, the parties hereto agree as follows:

1. **Scope of Contract.** Company shall provide all of the work and services required by RFP Number P08003-01/29/2008B, which is incorporated herein and made a part hereof, for the Private/Public Pet Services for Lexington and Richland Counties.
  - 1.1 **Requirements.** Also, the requirements set forth in addendum A attached hereto are incorporated herein.
2. **Term of Contract.** The term of this contract shall commence on the execution date of the contract and shall continue for a period of twenty (20) years. The County of Lexington may extend the contract if it appears to be in the best interest of the Counties and is agreeable with the contracted vendor.
3. **Payment Terms.** There will be no payment for services. The selection of the A/E firm(s) and construction contractor(s) and subsequent awards will be procurement actions mutually exclusive of this RFP. Procurement Services of the County of Lexington will make progress payments to the A/E firm(s) and construction contractor(s) in accordance with the contract documents.
4. **Insurance.** Company shall provide insurance as set forth in the RFP.
5. **Modification / Change Orders.** Any change orders, alterations, amendments or other modifications hereunder shall not be effective unless reduced to writing, signed by the County and Company, and executed with the same formality as this contract.
6. **Termination.** This contract may be terminated pursuant to the RFP.
7. **Warranty.** Company's services are warranted to be performed in a timely and workmanlike manner and such services shall be met in addition to the response to the RFP.
8. **Indemnification.** Company shall provide indemnification as set forth in the RFP.
9. **Breach / Waiver.** No term or provision hereof shall be deemed waived unless breach thereof is waived in writing and signed by the party claimed to have waived and consented. No consent by any party to, or waiver of, a breach by the other, whether expressed or implied, shall constitute a consent to, or waiver of, or excuse for, any difference or subsequent breach.
10. **Severability.** If any term or provision of this contract shall be found to be illegal or unenforceable, then, notwithstanding any such illegality or unenforceability, the remainder of said contract shall remain in full force and effect and such term or provision shall be deemed to be deleted and severable therefrom.

11. Entire Agreement and Priority of Documents. This document, together with all subordinate and other documents incorporated by reference herein, will constitute the entire agreement between the parties with respect to the subject matter contained herein and may only be modified by an amendment executed in writing by both parties. Company hereby agrees, except where this contract specifically indicates otherwise, all written RFPs, specifications, brochures and sales materials presented by Company to County leading to this contract, and all other Company representations, commitments, warranties prior to and in connection with this contract, shall be deemed to be, and are, incorporated by reference into and made a part of this contract. Except as otherwise expressly stated, in the event of a conflict in the interpretation of the contract, the order of priority in descending order is (i) this document, (ii) the RFP, and then (iii) the Response.

IN WITNESS WHEREOF, the Company and the County have signed and executed this contract this 14 day of March, 2008.

WITNESSES:

[Signature]

Dana W. Burnett

[Signature]

PROJECT PET INC.

BY: Denise D. Wilkinson

ITS: Vice President  
Board of Directors

COUNTY OF LEXINGTON,  
SOUTH CAROLINA

BY: William C. Derrick

William C. Derrick  
Chairman, Lexington County Council

RICHLAND COUNTY,  
SOUTH CAROLINA

BY: [Signature]

Joseph McEachern  
Chairman, Richland County Council

Richland County Attorney's Office

[Signature]

Approved As To Legal Form Only  
No Opinion Rendered As to Merits

21 **Building Repairs**

Project Pet Inc. shall be responsible for all necessary repairs to the Leased Premises. Repairs shall include such items as routine repairs of floors, walls, ceilings, and other parts of the Leased Premises damaged or worn through normal occupancy, including major mechanical systems and the roof.

22 **Building/Custodial Services**

Project Pet Inc. shall be responsible for providing building and custodial services necessary to maintain the condition of the pet services facility. The interior and exterior areas of the facility should be appropriate for public use.

23 **Inspection of Facility**

The County of Lexington shall have the right to inspect the facility at a minimum of once per year to ensure proper maintenance and public appearance.

24 **Sublease and Assignment**

Service provider shall not have the right without County of Lexington's written consent, to assign this Lease to a business with which provider may merge or consolidate, to any subsidiary of provider, to any corporation under common control with provider, or to a purchaser of substantially all of provider's assets.

Except as set forth above, Project Pet Inc. shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without County of Lexington's written consent.

25 **Services Provided by Project Pet Inc.**

Project Pet Inc. shall be responsible for collecting any fees for services provided.

**All of the above services shall be provided at no cost to either County. The provider shall be leased the above facility for \$1.00 per year upon the condition of providing all of the above services.**

OF THIS INSURANCE.

# LEXINGTON/RICHLAND PROPOSED CONTRACTUAL PROGRAMS

## 1. Animal Care Fair Events

Purpose: To educate and promote/provide resources to all pet owners

At least one Animal Fair event will be held in each county. The following locations will be considered:

### Richland County

Hopkins Park  
Caughman Road Park  
Bluff Road Park  
Eastover Park  
Gadsden Community Center  
Friarsgate Park  
Upper Richland Community Center  
Old Target Mall on Decker Blvd

### Lexington County (broken into four quadrants of the County)

West Region – Gilbert Park  
South Region – Edmund Park (Gaston, SC)  
South Region – Swansea Sports Complex (Swansea, SC)  
North Region – Display Center – Saint Andrews Rd. (Columbia, SC)

Each event will include individuals who are considered experts in the area of evaluation and behavioral training, medical and adoptions. We will have representation from our medical team for each of these events as well to provide low-cost micro chipping and vaccinations available to all pets that attend an event.

2. The Animal Care Fair events will be held in addition to those events already being held (e.g. Bark to the Park) and will include open invitations for County staff participation.

## 2. Education Programs

### **Spay/Neuter Education Program**

Purpose:

The Spay/Neuter Education Program will be the central focus of our larger educational programming for people of all ages in the community.

Educational materials on spay/neuter surgeries will be readily available to the public and used in all areas of our programming. The Spay/Neuter Clinic itself was designed with education in mind allowing visitors at the center the ability to witness the high-volume surgical process.

All education of spay/neuter will address the importance of the surgery as it relates to pet overpopulation, what happens to animals in shelters (i.e. emphasizing why we don't want more animals) and dispelling the myths of spay and neuter.

### Objective:

To emphasize that altering pets will prevent countless future generations of unwanted dogs and cats from entering a world that has no room for them. Spaying or neutering is one of the greatest gifts a pet owner can provide not only to their pet, but also to their own family *and* their community.

Education for our communities must stress that routine medical procedures not only help control pet overpopulation, but they may also prevent medical and behavioral problems from developing, allowing pets to live a longer, healthier and happier life. Additionally, spay/neuter makes pets better companions. It makes pets less aggressive and less likely to bite, roam the neighborhood, get hit by cars and get into fights.

For people of all ages it cannot be stressed enough that spay/neuter directly impacts the number of animals that lose their lives in our shelters and on our streets. Having your pet spayed or neutered frees up homes for homeless pets that are already born. By getting your pet fixed, you are part of the campaign to reach the day when there are truly no more homeless pets.

### **Humane Education Program**

#### Purpose:

Encourage youth to coexist humanely with animals, celebrate the human-animal bond, and become active in efforts to protect animals.

Our programs will teach age-appropriate, standards-based academic skills and major character concepts including: kindness, citizenship, fairness, respect, responsibility, and integrity. Meanwhile, we will reinforce those ideas as they apply to our treatment of animals. The Human Society of United States offers lesson plans we will incorporate and work sheets designed to teach age-appropriate content. Many can be adapted for higher or lower grade levels as our trainers/educators deem appropriate.

#### Objectives:

Provide/offer Humane Education (appropriate care for companion pets, helping other animals in need, and responsible guardianship). Our educational emphasis will be to encourage a strong foundation of values in our children with the end goal of creating a better community in which to live.

*Humane Education* is the term for any curriculum that teaches students to care for the animals in their homes and communities. The goal of humane education is to create a culture of empathy and caring by stimulating students' moral development and sense of responsibility. The end goal of humane education is to create a more compassionate and responsible society.

Humane education introduces children to the emotions of animals and links this knowledge to a wider understanding of environmental issues and ecosystems. It is about fostering kindness, respect and empathy for both human and non-humans (animals).

Humane education teaches people how to accept and fulfill their responsibility to companion animals. It teaches people to understand the consequences of irresponsible behavior and finally, humane education encourages the value of all living things.

### **Below are specific topics that our education sessions will cover:**

#### Grades PreK – 2

- Basic animal needs and care
- Proper pet handling



- Approaching friends'/neighbors' companion animals
- The difference between being kind and cruel to animals
- The responsibilities involved with having a pet
- Animal-related careers
- Dog bite prevention
- For spay/neuter education, utilize the story "Misty, the One in a Million Cat", which teaches the importance of spay-neuter to younger children, along with delightful illustrations by a young man.

#### Grades 3-5

- Basic animal needs and care
- Proper pet handling
- The responsibilities involved with having a pet
- The importance of spaying/neutering companion animals
- Exploring ways that students can help animals in their area
- The role an animal shelter plays in the community
- Dog bite prevention

#### Grades 6-8

- The responsibilities involved with having a pet
- The importance of spaying/neutering companion animals
- The importance of reporting animal abuse/neglect
- Exploring ways that students can help animals in their area
- Recognizing the difference between helping/hurting animals in real life situations.
- The importance of adopting a pet vs. buying one

#### *For All Ages:*

##### **The Proper Way to Meet A Dog**

Objective:

- Students will understand how to meet a stranger's dog for the first time.

##### **Kind vs Cruel**

Objectives:

- Students will understand the difference between the words "kind" and "cruel"
- Students will understand how to treat animals with kindness
- Students will learn how to report animal cruelty

### **3. Adoptions from the Counties**

Pawmetto Lifeline is engaged in many efforts which enable us to meet the requirements of our contract with Lexington and Richland Counties of adopting a minimum of 1200 dogs and cats per county per fiscal year. Reports will include species, County, date and YTD totals.

- Our Pawmetto Lifeline Adoption program consists of onsite adoptions at our Bower Parkway facility. We also are actively involved in offsite adoption events, currently utilizing local PetSmart outlets to adopt animals in our program.

- Pawmetto Lifeline has developed the HEART (Help Every Animal Reach Tomorrow) Program. The mission of HEART is to facilitate the rescue of companion pets scheduled for euthanasia in municipal shelters and to ensure their safety through the coordinated efforts of a network of like-minded rescue organizations. HEART truly represents collaboration in its purest sense. HEART partners with rescue organizations throughout the country in an effort to move homeless pets from the municipal shelters in the Midlands, to no-kill animal rescue organizations that can provide adoption resources for the animals that come into their care.
- We offer programs to directly assist the public in placement of unwanted pets. Through these efforts we hope to significantly reduce the number of animals entering the shelters which reduces the number of animals euthanized and prevents the taxpayers from ever having to shoulder the burden of caring for these animals.
- The Pawmetto Lifeline Public Intake Program allows us to accept animals directly into our adoption program from local citizens who come to us for assistance, thus preventing those animals from ever entering municipal shelters.

Pawmetto Lifeline assumes all responsibility for transporting all shelter animals. Adoption fees incurred by the municipalities are paid directly to those shelters either by Pawmetto Lifeline or directly by our HEART partners when applicable.

Through our board directive all animals are spayed or neutered prior to adoption.

#### **4. Spay/Neuter Services**

Actual vouchers will not be disseminated throughout the County but rather at least 500 free surgeries will be offered to citizens in Richland County throughout the year. Issuing paper vouchers restricts the amount of income set aside for all of the vouchers that have been sent out only for people to never use them. Those funds would remain tied up when they can be better utilized offering services to those in need who would like the opportunity to use them. The timing of the free surgeries will be determined by Pawmetto Lifeline and will likely coincide with grant funding. Most, if not all, surgeries will be performed through grants, however in the event that there would not be grant funding available to cover it, the 500 surgeries will still be provided in accordance with the contract. Citizens will be made aware of these available surgeries and the timing of them via marketing and advertising to the targeted audience.

The rate for surgeries out side of the free surgeries are currently as follows, but are subject to change:

Dog Spay	\$80
Dog Neuter	\$65
Cat Spay	\$55
Cat Neuter	\$35
Feral Cats	\$20 (subject to our Feral Cat Policy)

Those free surgeries that are grant-driven that require means testing will be subject to income verification. In order to address the transportation issue for various pet owners, the transport program will consist of specific dates and times in various communities where our transport vehicle and personnel will pick up pets at designated locations and take them to our clinic for surgery. The animals would be returned to the same location the following day. The transport program will be subject to means testing.

## **5. Statistical Reporting**

The reports will include specific dates based on the County's fiscal year calendar. This means that July – September reports will be due October 15; October – December reports will be due January 15; January – March reports will be due April 15; and April – June reports will be due July 15

# Richland County Council Request of Action

**Subject**

Community Use of County Facilities [PAGES 40-47]

**Reviews**

# Richland County Council Request of Action

**Subject:** Community Use of County Facilities

**A. Purpose**

County Council is requested to approve a policy for the use of County facilities.

**B. Background / Discussion**

In the past, communities and community organizations have requested use of County facilities for various functions, including the use of parking lots. The County Administration has considered these on a case-by-case basis. For legal protection and clearer guidance to the community, we are asking Council to approve a general policy that would be applicable to groups desiring the use of County property for their temporary activities.

**C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

**D. Financial Impact**

There would be no expenditure of County funds to approve this general policy. However, if Council wishes to charge a fee for the use of County facilities, that would generate revenue for the County.

**E. Alternatives**

1. Approve the request to develop a policy for the use of County facilities. If this alternative is chosen, all groups desiring to use County facilities would know what to expect. In addition, if an MOU or other contract is required of such groups, the County could insert some protective measures, such as a hold-harmless clause.
2. Do not approve the request to develop a policy for the use of County facilities, but rather, allow the County Administrator to make a determination on a case-by-case basis. If this alternative is chosen, the County is less protected legally from potential claims and will require an unknown amount of Administrator time to review each case.
3. Do not approve the request to develop a policy for the use of County facilities and do not allow communities to use County facilities. If this alternative is chosen, community members will not be able to use County facilities which are sometimes underutilized after hours.

**F. Recommendation**

It is recommended that Council approve the request to develop a policy for the use of County facilities.

Recommended by: Sparty Hammett      Department: Administration      Date: 2/28/13

**G. Reviews**

**Finance**

Reviewed by Daniel Driggers:      Date: 2/13/13

Item# 4

Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Recommend approval of alternative one and encourage the County to pursue developing a policy that clearly defines the County's position. If the policy includes options for use of facilities, I would encourage the County to consider including an assessment fee at some level that has at least two components; (1) a service fee for the facility and (2) an amount that at a minimum will recover any costs to the County during use. While the service fee (1 above) may not generate much money for the County, requiring a fee often encourages responsible use. For item (2) above, use of facility may require items such as; management oversight, security, insurance liability, additional staff time for cleaning, cleaning supplies, utility costs, etc. and should be recovered based on usage.

### **Risk Management**

Reviewed by: David Chambers                      Date: 2/28/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: This request is left to Council discretion. There are already for-profits and non-profits with places available for public use. The development of a policy for the use of County facilities, if approved, should include the following recommended provisions:

- (1) A Hold-Harmless Agreement; (2) a contract with the following stipulations: no fireworks, no alcohol, no smoking, no drugs, no violence or weapons of any kind, limits on hours of use, requirements for clean-up, including proper disposal and prohibited littering; (3) establish limitations on which facilities can be used and the hours for such use; (4) establish limitations on the organizations able to use County facilities (i.e., churches, neighborhood associations, school groups, Homeowners Associations).

A draft policy and contract is attached as an appendix for Council's review.

### **Legal**

Reviewed by: Elizabeth McLean                      Date: 3/13/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Whether to allow use of County facilities by the public is a policy decision left to Council's discretion; however, I recommend proceeding with caution. I agree with Mr. Chamber's comments on the whole, except number 4, which brings up Constitutional questions. The policy allows discretion by the Administrator for uses that are inappropriate, again bringing up Constitutional issues (freedom of speech, freedom of religion, etc.).

As to the hold harmless, such a document would only be as good as those who sign it, meaning that the hundreds of visitors to an event on County property would still pose a liability risk.

In conclusion, along with general liability and security concerns which would need to be addressed, the potential Constitutional issues are numerous.

### **Administration**

Item# 4

Reviewed by: Sparty Hammett

Date: 3/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to develop a policy for the use of County facilities.

## **“RICHLAND COUNTY PUBLIC BUILDING USE POLICY”**

Richland County is cognizant of the numerous requests for the use of County public facilities. As a public government entity, Richland County is dedicated to the principals of fairness and non-discrimination for the public use of its facilities.

Public buildings, facilities, courtrooms, parks, and the like, are paid for and maintained by taxpayer dollars. Richland County recognizes the cost of maintenance and upkeep for its public buildings.

While it is the policy of Richland County to permit, allow and make available to the public any of its public facilities, there is a need for coordination of such requests. Any group of citizens, organizations or other gatherings may request the use of specific county facilities. In order to make a request, the following procedure shall be followed:

1. Contact the Richland County Administration Office and make a written request for the specific time, date and place to be used.
2. Complete a “Use of Public Facility” form. This can be obtained *by emailing XX or at the County Administrative Office between 9:00 A.M. and 5:00 P.M., Monday through Friday, excluding holidays.*
3. Return the completed form with payment of \$50.00 for the facility usage fee. Additional charges may be assessed depending on the use required. Notification of the availability of the facility requested will be confirmed by the Administrator’s office, in writing or by phone.

All requests for use of public facilities will be handled on a “first come” basis, and will be subject to the availability of the facility requested. Normal business functions and use of County Facilities shall not be interrupted.

The charge for the use of the facility shall be \$50.00. This charge will cover the cost of utilities, janitorial and related services. If the expected use of the facility shall require administrative personnel to be present after normal business hours, or if, in the opinion of the administration, security will be required, additional charges will be assessed. Charges will be based upon the actual out-of-pocket expenses incurred by the County for the use of personnel. *There is also a \$250 fee which is refundable if there is no damage and no extraordinary cleanup is necessary.*

Use of the facilities may be denied by the County Administrator *because of inadequate security , safety measures or insurance or because the use would be inappropriate for government property* at his or her discretion.



## FACILITY RULES

1. Absolutely no weapons are allowed on County premises or in any public facility unless required by an authorized Law Enforcement Officer.
2. Absolutely no alcoholic beverages or illegal drugs are allowed on or in any public facility County premises.
3. Absolutely no use of tobacco products are allowed on or in any County public facility, or on County premises except in designated areas.
4. Absolutely no activities involving inappropriate use will be permitted. Examples are fireworks, athletic events and fair type rides. use of fireworks of any kind.
5. Do not rearrange furniture or furnishings in the facility. If chairs or tables are temporarily relocated, these items must be replaced to their original location before you leave.
6. You and your organization will be jointly responsible for clean-up, including proper disposal of unused or unwanted items (no littering).
7. You and your organization and any other users will be jointly responsible for the cost of damages to the facility that is a direct or indirect result of the use of the facility by you and/or your organization.
8. You and/or your organization will be responsible for the payment of the facility usage fee prior to use of the facility.
9. You and/or your organization will be responsible for arrangement of and payment of security the payment of or reimbursement of security costs and related administrative costs.
10. You and/or your organization will be responsible for signing a Hold Harmless agreement. All officers of your organization must sign a Harm Harmless as officers and personally. The County must be added as an additional insured to the organization's general liability insurance or to a liability policy for the event. The user also must provide certification of insurance for workers' compensation and vehicle liability. The executed Hold Harmless and certifications satisfactory to the County must be delivered to the County at least

72 hours prior to the event date. On the same date you must deliver a complete list of other users, the activities they will perform, a Hold Harmless executed by all of each entity's officers as officers and personally and their certifications of general liability, vehicle liability and workers' compensation insurance. The County must be named as additional insured on the general liability coverages.

8. In the event of a problem encountered with the facility or an emergency, the following numbers are to be called:

911 - for all emergencies  
576-2050 - Richland County Administration  
575-2456 - Public Works Department

**PUBLIC REQUEST FOR USE OF PUBLIC FACILITY**

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Address of Organization

\_\_\_\_\_  
City / County

\_\_\_\_\_  
State / Zip

\_\_\_\_\_  
Individual or Group Contact Person

\_\_\_\_\_  
Individual or Group Telephone Number

\_\_\_\_\_  
Other Contact Person

\_\_\_\_\_  
Telephone Number

Clearly state the purpose for this request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How many persons do you anticipate will attend this function? \_\_\_\_\_

Facility requested: \_\_\_\_\_

Date and time of function:

\_\_\_\_\_  
Month / Day / Year

From: \_\_\_\_\_ A.M.- To: \_\_\_\_\_ P.M.  
Timeframes

The undersigned agrees to abide by the facility rules and regulations, which are printed on the reverse side of this form. Persons providing false or misleading formation will be prosecuted. The undersigned further agrees to pay all cost, damages and usage fees as may be determined.

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The undersigned further agrees to indemnify and to hold harmless Richland County, its employees, officers, agents, contractors, subcontractors, and successors and assigns from and against any and all liability, damages, losses, costs, expenses, demands, claims, suits, actions and causes of action as a result of the use of the facility.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Organization's Representative

\_\_\_\_\_ Printed Name of Organization's Representative

Facility usage fee received on \_\_\_\_\_ in the amount of \$50.00 or \$ \_\_\_\_\_

Received by: \_\_\_\_\_

Date approved: \_\_\_\_\_ Date Rejected: \_\_\_\_\_

# Richland County Council Request of Action

**Subject**

Customer Service Policy Addition to Employee Handbook [**PAGES 48-51**]

**Reviews**

# Richland County Council Request of Action

**Subject:** Customer Service Policy for Employee Handbook

**A. Purpose**

County Council is requested to approve new customer service standards for employees to be added to the Employee Handbook. This is a recommendation from the Business Friendly Task Force, discussed with County Council during the annual retreat, and approved in concept at the February 5, 2013 meeting.

**Proposed Language to be added to the employee handbook.**

“All customer contacts, such as emails, telephone calls, visits via walk-in’s, etc., should be responded to timely, but at least acknowledged by the end of the following business day. Information provided should be accurate, complete, and in a manner understandable to the customer or citizen. A timely response for phone call, visit via walk-in’s, or e-mail is by the end of the following business day and for letters is within five business days. Any employee who fails to comply with this policy will be subject to progressive disciplinary action up to and including termination.”

**B. Background / Discussion**

This item is a Business Friendly Task Force recommendation.

**C. Legislative / Chronological History:**

This item was discussed at the 2013 County Council Retreat and approved in concept on February 5, 2013.

**D. Financial Impact**

There is no financial impact associated with this addition to the Employee Handbook.

**E. Alternatives**

List the alternatives to the situation. There will always be at least two alternatives:

1. Approve the request to add the customer service language to the Employee Handbook.
2. Approve the request in part by modifying the customer service language and adding it to the Employee Handbook.
3. Do not approve the request to add the customer service language to the Employee Handbook.

**F. Recommendation**

It is recommended that Council approve the proposed revision and add the language referenced in section A to the Employee Handbook.

Recommended by: Sparty Hammett      Department: Administration      Date: 3/1/13

**G. Reviews**

**Finance**

Item# 5

Reviewed by: Daniel Driggers

Date: 3/1/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council however it seems like a reasonable expectation and I would recommend approval based on the concept of defining County expectations on level of customer service. I am unclear if the proposed language related to “progressive disciplinary action” is consistent with other County policies therefore I would recommend that approval be contingent upon HR Director’s recommendation in order to ensure consistency with other County employment policies.

## **Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The Human Resources Department supports measures that will effectively and efficiently improve customer/citizen service. In order to consistently improve customer service Human Resources believes there are several actions, in addition to a policy, the County must take place to sustain the objective. For example, the County will need to develop appropriate customer service standards in adequate detail for employees and supervisors, there will need to be a consistent level of accountability, proper follow up and follow through after acknowledgement of citizen/customer contact is essential, a method that enables proactive tracking and monitoring of customer interactions by the respective Department Head would be helpful, recognition of employees delivering the target level of customer service will help reinforce the County’s objective, periodically surveying customers/citizens to get their input about their customer service experience, employees will need to be adequately trained in the applicable areas of customer service, providing necessary assistance to departments that may need to restructure existing internal resources to comply with the policy, and some method of accurately reporting important customer service metrics. The Human Resources Director has discussed with Administration (Mr. Hammett) the need to take action in addition to the policy to achieve and sustain improved customer service. Mr. Hammett stated the policy was the first step, he supports the additional actions suggested by Human Resources, and plans to implement them in the future.

As it relates to the Finance Director’s point relating to disciplinary action, the County does not have a “progressive discipline” policy. Progressive discipline stated as a policy could give employees and/or supervisors the expectation and/or impression that they [must] be multiple deficiencies progressively disciplined prior to termination. There is not any way to anticipate every possible set of customer service infractions that could occur in the future. It is possible, depending on the customer service infraction(s), to envision a scenario that progressive discipline as a policy could be more restrictive than desired in all cases. For example, in some cases a Department Head may consider a Counseling Notice (equivalent to a verbal warning) may be too mild. In such a case, a policy that permits the Department Head and/or Administration to give proper consideration of all relevant factors may be desired. Generally, Human Resources encourages supervisors to consider utilizing progressive discipline in appropriate situations based on the relevant facts. However, progressive discipline is not the best solution in all situations. The County should calibrate the emphasis or type of discipline

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specifically stipulated for customer/citizen service in comparison to other employee job performance deficiencies. There is not a current County “policy” that requires progressive discipline.

### Legal

Reviewed by: Elizabeth McLean

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Any policy decision is at the discretion of Council. I find the above “policy” to be overly specific to be a true “policy.” Black’s Law Dictionary defines policy as “the general principles by which a government is guided in its management of public affairs...” It goes on to say that “this term, as applied to a law, ordinance, or rule of law, denotes its general purpose or tendency considered as directed to the welfare or prosperity of the state or community.” Thus a policy is generally a broad statement of principles. This suggested policy statement includes very specific procedural language which I would not recommend be included in a broad policy advocating good customer service. Such things seem much more suited to administrative procedures implemented by Administration/HR to guide employees who deal with the public.

### Administration

Reviewed by: Sparty Hammett

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval with the following change to the last sentence: “Any employee who fails to comply with this *guideline* will be subject to (*delete progressive*) disciplinary action up to and including termination.”

# Richland County Council Request of Action

**Subject**

2013 Fair Housing Proclamation [**PAGES 52-55**]

**Reviews**



# Richland County Council Request of Action

## **Subject: 2013 Fair Housing Proclamation**

### **A. Purpose**

County Council is requested to adopt and formally present the 2013 Fair Housing Proclamation on behalf of Richland County to a HUD representative during the April 2, 2013 Council meeting.

### **B. Background / Discussion**

April is National Fair Housing Month and the 45<sup>th</sup> year of the enactment of the Civil rights Act of 1968. This year, Richland County will celebrate its 11<sup>th</sup> year as an Entitlement Community and has received an annual allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership Program funds from the US Department of Housing and Urban Development (HUD). As a condition of receiving formula-based funding, the County certifies that it will affirmatively further fair housing. A copy of the proposed proclamation is attached as Appendix 1.

In order to advance this commitment the Community Development Department procured the services of Ernest Swiger Consulting, Inc. to complete an Analysis of Impediments to Fair Housing Choice. The study, which identified six impediments to fair housing choice within the County, was adopted by County Council September 20, 2011. The Impediments identified by the study include Discrimination against Protected Classes in the Housing Market; Housing Advocacy; Bias in Lending; Limited Supply of Affordable Housing; Government Policies; and Local Opposition also referred to as NIMBY (Not in My Back Yard).

Each year County staff takes advantage of opportunities to provide fair housing education and outreach activities for County citizens. Presentations are made at various workshops; neighborhood and community events and information tables are set up to disseminate information. Literature is available in both English and Spanish, and staff maintains membership on committees and in organizations to expand its outreach. All activities are documented, reported in the CAPER annually and sent to HUD.

### **C. Financial Impact**

There is no financial impact associated with this request.

### **D. Alternatives**

1. Approve the request to adopt and present the Fair Housing Proclamation to a HUD representative and affirm the County's commitment to Fair Housing Choice.
2. Approve the request in part by choosing an alternative method, such as a published statement from Council.
3. Do not approve the request to adopt and present the Fair Housing Proclamation.

### **E. Recommendation**

It is recommended that Council approve the request to adopt and present the Fair Housing Proclamation to a HUD representative.

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/7/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 3/7/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 3/11/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

**FAIR HOUSING PROCLAMATION**

**A PROCLAMATION AFFIRMING RICHLAND COUNTY'S  
COMMITMENT TO FAIR HOUSING & FURTHERING FAIR HOUSING CHOICE**

**WHEREAS**, April marks Fair Housing Month and the 45th anniversary of President Johnson signing the Fair Housing Act into law. Borne out of the tragic assassination of Dr. Martin Luther King and the culmination of local and national civil rights struggles, the Fair Housing Act established the Office of Fair Housing & Equal Opportunity (FHEO) at the U.S. Department of Housing and Urban Development. At FHEO, we and our partners and allies within HUD and across the nation carry out and advance the cause of equality in housing throughout the year.

**WHEREAS**, Richland County Council recognizes aggressive steps taken in 2013 by the US Department of Housing and Urban Development to give greater access to fair housing information through technology and the issuance of a final rule that formalizes a national standard for determining whether a housing practice violates the Fair Housing law based on an unjustified discriminatory effect;

**WHEREAS**, As an Entitlement community and partner of the US Department of Housing and Urban Development for 11 years, Richland County Council rejects the practice of discrimination with regard to race, religion, color, sex, national origin, familial status or disability;

**WHEREAS**, the Richland County Council recognizes April as national Fair Housing Month and during the month and throughout the year will encourage and support positive actions from County Government and other housing professionals, advocates and citizens in the provision and receipt of housing, programs and services to include sale, rental, financing transactions and support services;

**WHEREAS**, the Richland County Council recognizes the County Administrator as the Fair Housing Administrator for Richland County and the Community Development Department as the official coordinator of all Fair Housing initiatives on behalf of Richland County; and

**NOW, THEREFORE, BE IT RESOLVED**, that Richland County Council officially adopts "Living Free" as the Fair housing Month theme for 2013 and acknowledges Fair Housing as one of the nations most cherished and fundamental values.

**SIGNED AND SEALED** this \_\_\_ day of April, 2013, having been duly adopted by the Richland County Council on the \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Kelvin Washington, Chair  
Richland County Council

ATTEST this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

# Richland County Council Request of Action

**Subject**

Palmetto Health Alliance and Richland Memorial Hospital Board of Trustees MOUs: Elimination of Presentations During a Council Meeting [**PAGES 56-69**]

**Reviews**

## Richland County Council Request of Action

**Subject:** Palmetto Health Alliance and Richland Memorial Hospital Board of Trustees MOUs: Elimination of Presentations During a Council Meeting

### A. Purpose

Council is requested to eliminate the requirement of the Palmetto Health Alliance (PHA) Board of Directors, Palmetto Health Alliance's management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two Memorandums of Understanding (MOUs) associated with Palmetto Health.

### B. Background / Discussion

The following motion was made by Councilman Pearce at the March 5, 2013 Council Meeting:

**Under the terms of a 2004 Memorandum of Understanding (MOU) between Richland County and Palmetto Health, Palmetto Health is required to make an annual report to County Council as to the activities of the health care system. The MOU specifies that several levels of Board and Palmetto Health management personnel will personally appear before Council in public session to present this report. Due to Council rules limiting presentations to five (5) minutes, the ability to present any type of comprehensive report has been significantly compromised and, in my opinion, serves no useful purpose other than to fulfill the requirement of the MOU. Recognizing the need to keep County Council fully informed as to Palmetto Health activities, the fall luncheon meeting held in November or December for the past several years has been created to provide a forum for presentation of more detailed information and interactive dialog between Palmetto Health management and Council members. This Motion requests that Council consider eliminating the requirement for Palmetto Health to make a presentation during a Council meeting. Additional information regarding information sharing opportunities between Palmetto Health and County Council will be provided to the Committee. [PEARCE].**

The following appears in the MOU between Palmetto Health Alliance and Richland County.

#### **Section 6. *Communication Improvements.***

a. Members of the PHA Board of Directors (the "PHA Board"), PHA's management and the RMH Board will appear at the first meeting of the County Council each March, starting in calendar year 2004, in a public session to present an annual report on the activities of PHA and RMH.

b. Not later than May 30 of each year, beginning in calendar year 2004, PHA will make an annual report to the citizens of the County. The report will provide an accounting of the contributions PHA has made and is making in the lives of the citizens of the County. The report will be appropriately communicated, most probably in the form of paid advertisements through selected media outlets. Any written materials related to the report will be put on file with the County's Department of Public Information and the Richland County Public Library in order that interested citizens of the County may review the materials.

The following appears in the MOU between the Richland Memorial Hospital Board of Trustees and Richland County.

g. At the first County Council meeting in October, beginning in calendar year 2003, members of the RMH Board will brief the County Council on strategic issues (*see Section 3 below for special protocol for certain issues identified by County Council*).

h. At the first County Council meeting in March, beginning in calendar year 2004, members of the RMH Board, members of the PHA Board and PHA management will appear and in public session present an annual report on the activities of each Board.

The two documents in their entirety (“Memorandum of Understanding between Palmetto Health Alliance and Richland County, South Carolina”; “Memorandum of Understanding between the Richland Memorial Hospital Board of Trustees and Richland County, South Carolina”) are attached for your convenience.

The motion by Mr. Pearce would remove the requirement of presentations by the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to Richland County Council at a Council Meeting.

The entities currently provide the MOU-mandated information to Council at an annual luncheon in the fall. This luncheon has been used for education and sharing of information and open discussion between the parties.

In addition to the luncheon in the fall, a Community Forum is held in the spring of each year in which the public is invited to attend. Initiatives of Palmetto Health, which improve the health of the community, are presented via this forum annually. A formal document, entitled the Annual [Report of the Tithe](#), is also prepared and presented to the community, and is also available online.

Therefore, it is at this time that Council is requested to eliminate the requirement of the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two MOUs associated with Palmetto Health.

### **C. Legislative / Chronological History**

- February 9, 1998: Lease agreement with Richland County, Richland Memorial Hospital (RMH), and BR Health System, Inc. as part of the consolidation of RMH and Baptist Healthcare System of South Carolina, Inc. into the present Palmetto Health Alliance.
- April 22, 2003: MOU between Palmetto Health Alliance and Richland County; MOU between the Richland Memorial Hospital Board of Trustees and Richland County executed
- March 5, 2013: Motion by Councilman Pearce.

### **D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

1. Eliminate the requirement of the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two MOUs associated with Palmetto Health.
2. Leave the current MOUs as-is. The requirement of a presentation by the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to Richland County Council at a Council Meeting will remain in effect.

**F. Recommendation**

It is recommended that Council eliminate the requirement of the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two MOUs associated with Palmetto Health, as the MOU-mandated presentation information is provided to Council and the community in other, more constructive forums, venues, and formats.

Recommended by: Councilman Pearce Date: March 5, 2013 Council Meeting

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 3/14/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: Elizabeth McLean	Date: 3/14/13
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion. The request will take an amended document signed by both parties. Legal will draft such a document upon Council direction.	

**Administration**

Reviewed by: Tony McDonald	Date: 3/18/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Recommend approval of the motion as presented.	

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**PALMETTO HEALTH ALLIANCE**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**APRIL 22, 2003**

---



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Memorandum" or "MOU") is being entered into this 22 day of April, 2003, between the Palmetto Health Alliance, a South Carolina corporation, and Richland County, South Carolina (the "County").

WITNESSETH:

*WHEREAS*, on February 9, 1998, the County, Richland Memorial Hospital ("RMH") and BR Health System, Inc. entered into a Lease Agreement (the "Lease") as part of the consolidation of RMH and Baptist Healthcare System of South Carolina, Inc. ("Baptist") into the present Palmetto Health Alliance ("PHA"); and

*WHEREAS*, in connection with a planned refinancing of its outstanding debt, PHA has been advised that it may secure more favorable interest rates if the refinancing bonds are insured. PHA's bond insurer, AMBAC, has requested that PHA seek permission from the County to amend certain provisions of the Lease. The revised version of the Lease attached hereto as *Exhibit A* reflects the agreed upon changes; and

*WHEREAS*, these changes to the Lease will not affect the County's ownership of the assets contributed by RMH to PHA and subject to the Lease; and

*WHEREAS*, in the course of negotiations concerning the Lease amendments, the Richland County Council (the "County Council") has sought further assurances from PHA regarding the ongoing provision of indigent care, the continued operation of appropriate emergency room services and the quality of healthcare provided for the benefit of the citizens of the County; and

*WHEREAS*, in 1998, RMH established a trust (the "Trust") pursuant to a Trust Agreement dated as of February 8, 1998 (the "Trust Agreement"). The purpose of the Trust was to hold public monies to serve as federal matching funds, thereby ensuring the flow of federal dollars into the South Carolina Medicaid Program. The Trust is set to expire on June 30, 2003. However, in response to the concerns of the County Council regarding the provision of indigent care, the RMH Board has agreed to extend the term of the Trust for so long as the Medicaid-match program is in effect in South Carolina. PHA has also agreed to increase the funds in the Trust, within a reasonable period, to \$30 million and to take whatever steps necessary to maintain the Trust balance at \$30 million; and

*WHEREAS*, PHA has also afforded the County Council the opportunity to have its representatives review PHA's strategic plan (the "Plan") to confirm that the provision of indigent care, the continued operation of appropriate emergency room services, and the provision of quality healthcare are key elements of PHA's future plans; and

*WHEREAS*, the By-Laws governing the operation of PHA require that any material modification of the Plan must be approved by both the RMH Board of Trustees (the "RMH Board") and Baptist Board of Trustees (the "Baptist Board" and collectively the "Boards"); and

*WHEREAS*, as set forth herein, PHA has provided the County Council with satisfactory assurances regarding the provision of indigent care, the continued operation of appropriate emergency room services, and the provision of quality healthcare; and

*WHEREAS*, the negotiations concerning the Lease amendments have afforded PHA and the County Council an opportunity to discuss ways to improve communication; and

WHEREAS, the County and PHA have made commitments to each other during the course of the negotiations concerning the Lease amendments and now wish to memorialize those commitments.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES EXPRESSED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

**Section 1. Ownership of Assets.** The parties hereto acknowledge that the proposed Lease amendments will not impair the County's ownership of the assets contributed by RMH under the terms of the Lease.

**Section 2. Medicaid Matching Trust.** Working with RMH, PHA will, not later than June 30, 2003, take all necessary steps to modify the Trust Agreement to provide for (i) an extension of the Trust beyond June 30, 2003, (ii) increased funding of the Trust to \$30 million, and (iii) maintenance of the Trust balance at \$30 million. PHA and the County also agree to modify the Lease as may be required to provide a mechanism to increase the Trust balance to \$30 million.

**Section 3. Distribution of Trust Funds.**

(a) Upon termination of the Lease, the funds in the Trust will be prorated, according to the proportionate ownership by RMH and Baptist of the assets comprising PHA, and distributed to RMH and Baptist. It is expected that the Trust balance will be not less than \$30 million. If, however, at the time the Lease is terminated the Trust balance is less than \$30 million, PHA shall be required to provide sufficient funds for deposit into the Trust to bring the balance to \$30 million. The distributed funds to RMH will then be used in support of programs to provide for indigent care and/or emergency medical services, or such medical programs identified by RMH, as the agent of the County, as being consistent with its mission, vision and commitment to the citizens of the County. The funds distributed to Baptist shall likewise be used in a manner consistent with its mission and vision.

(b) If the Trust is dissolved prior to a termination of the Lease, the funds in the Trust shall be distributed to PHA. PHA must then use those funds to fulfill its Mission, the terms of its Plan, and its obligations under the Lease. These activities would include, but not be limited to, the delivery of medically necessary services to indigent, Medicaid, and Medicare patients. If the Lease is subsequently terminated, an amount equal to \$30 million will be prorated, according to the proportionate ownership by RMH and Baptist of the assets comprising PHA, and distributed to RMH and Baptist. The distributed funds to RMH will then be used in support of programs to provide for indigent care and/or emergency medical services, or such medical programs identified by RMH, as the agent of the County, as being consistent with its mission, vision and commitment to the citizens of the County. The funds distributed to Baptist shall likewise be used in a manner consistent with its mission and vision.

**Section 4. Appointed Director to PHA Board.** PHA agrees that at least one of the three Appointed Directors to the PHA Board shall be a resident of Richland County. Prior to the appointment of the Appointed Director seat scheduled to be filled in January 2006, and any replacements and successors to that Appointed Director slot, the County Council shall be afforded the opportunity to review and comment on the individuals identified by the PHA Board to fill this role.

**Section 5. Strategic Plan and Reserve Powers.** PHA represents and the County Council has confirmed that the Plan reflects PHA's commitment to continued provision of indigent care, operation of appropriate emergency room services, and provision of quality healthcare to the citizens of the County. PHA acknowledges that pursuant to its By-Laws certain reserve powers are granted to the Boards. Pursuant to those reserve powers, any attempt to materially modify the Plan must be approved by both the

RMH Board and the Baptist Board before any enactment, adoption, or implementation of such modifications.

**Section 6. *Communication Improvements.***

a. Members of the PHA Board of Directors (the "PHA Board"), PHA's management and the RMH Board will appear at the first meeting of the County Council each March, starting in calendar year 2004, in a public session to present an annual report on the activities of PHA and RMH.

b. Not later than May 30 of each year, beginning in calendar year 2004, PHA will make an annual report to the citizens of the County. The report will provide an accounting of the contributions PHA has made and is making in the lives of the citizens of the County. The report will be appropriately communicated, most probably in the form of paid advertisements through selected media outlets. Any written materials related to the report will be put on file with the County's Department of Public Information and the Richland County Public Library in order that interested citizens of the County may review the materials.

c. PHA and its leadership agree to meet with the County Council when requested by the Chair of County Council to do so.

d. PHA acknowledges that the RMH Board plans to amend its bylaws to permit one of the County Council liaisons, as designated from time to time by the Chair of County Council, to the RMH Board to become an *Ex Officio member* without vote to the RMH Board (such designated individual being hereafter referred to as the "Liaison"). The Liaison shall also be entitled to attend all public sessions of the PHA Board.

e. When requested by the Chair of County Council or his or her designee, the PHA Board shall place County concerns on its meeting agenda for discussion and, if required, take appropriate action. Upon prior notification to the Chair of the PHA Board, the Liaison shall be entitled to attend the Executive session of the PHA Board for the purpose of providing information and participating in the discussion of the specific agenda item so identified.

**Section 7. *PHA Responsible for County Costs.*** PHA shall promptly reimburse the County for attorneys' fees and additional extraordinary costs the County has incurred in connection with the negotiations with PHA to modify the Lease, and that the County may incur in conjunction with the fulfillment of the commitments set forth herein.

**Section 8. *Amendment of the Lease.*** The County hereby agrees to amend the Lease in accordance with the attached *Exhibit A* in order to permit PHA to refinance its outstanding debt at more favorable interest rates and achieve the savings resulting from such lower interest rates.

**Section 9. *Amendment of PHA By-Laws.*** PHA has agreed to amend its By-Laws to provide that any future borrowings occurring after the financing contemplated herein that result in an increase of more than ten percent in the aggregate principal balance of all indebtedness for borrowed money of PHA must be approved by three-fourths (a super majority) vote of PHA Directors then in office.

**Section 10. *Counterpart Execution.*** This Memorandum may be executed in multiple counterparts.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

**RICHLAND COUNTY, SOUTH CAROLINA**

Bernice G. Scott

By: Bernice G. Scott  
Its: Chairperson

Attest:  
Michelle Cannon-Finch  
Michelle Cannon-Finch,  
Clerk to the Richland County Council

**PALMETTO HEALTH ALLIANCE**

William L. Boyd III  
By: William L. Boyd III  
Its: CHAIRMAN  
(Printed Name and Title of Signatory)

**EXHIBIT A**

Proposed Lease Amendments

A-1

**Item# 7**

FINAL VERSION

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**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE RICHLAND MEMORIAL HOSPITAL BOARD OF TRUSTEES**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**APRIL 22, 2003**

---

Item# 7

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Memorandum" or "MOU") is being entered into this 22 day of April, 2003, between the Richland Memorial Hospital Board of Trustees (the "RMH Board") and Richland County, South Carolina (the "County").

### WITNESSETH:

*WHEREAS*, the RMH Board is charged by the County with the responsibility for the conduct, operation, management, maintenance and improvement of hospital facilities of the County; and

*WHEREAS*, the RMH Board is also responsible to provide the Richland County Council (the "County Council") with information on the healthcare services being rendered by the Palmetto Health Alliance ("PHA") and to address with PHA issues raised by community members and the County Council; and

*WHEREAS*, serving in the capacities outlined above, the RMH Board made recommendations to the County Council concerning amendments proposed by PHA to that certain lease dated February 9, 1998 among the County, the RMH Board and BR Health System, Inc. (the "Lease"); and

*WHEREAS*, in the course of negotiations concerning the Lease amendments, the County Council has sought further assurances regarding the ongoing provision of indigent care, the continued operation of a appropriate emergency room services, and quality healthcare for the benefit of the citizens of the County; and

*WHEREAS*, in 1998, the RMH Board established a trust (the "Trust") pursuant to a Trust Agreement dated as of February 8, 1998 (the "Trust Agreement"). The purpose of the Trust was to hold public monies to serve as federal matching funds, thereby ensuring the flow of federal dollars into the South Carolina Medicaid Program. The Trust is set to expire on June 30, 2003. However, in response to the concerns of the County Council regarding the provision of indigent care, the RMH Board has agreed to extend the term of the Trust for so long as the Medicaid-match program is in effect in South Carolina. PHA has also agreed to increase the funds in the Trust, within a reasonable period, to \$30 million and take whatever steps necessary to maintain this balance in the Trust; and

*WHEREAS*, in the course of the negotiations concerning the Lease amendments, PHA has permitted the County Council's legal representatives to review PHA's strategic plan (the "Plan") to confirm that the provision of indigent care, the continued operation of appropriate emergency room services, and the provision of quality healthcare are key elements of PHA's future plans; and

*WHEREAS*, the By-Laws governing the operation of PHA require that any material modification of the Plan must be approved by both the RMH Board and the Baptist Board of Trustees; and

*WHEREAS*, the County Council desires to establish a protocol with the RMH Board to ensure the County Council is alerted and given the opportunity to have input any time material modifications are proposed to the Plan that would detrimentally affect the provision of indigent care, the continued operation of appropriate emergency room services or the provision of quality healthcare to the citizens of the County; and

*WHEREAS*, in the course of the negotiations concerning the Lease amendments, the County Council and the RMH Board have identified several areas in which they can improve communications; and

WHEREAS, the County and the RMH Board have made commitments to each other during the course of the negotiations concerning the Lease amendments and now wish to memorialize those commitments.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES EXPRESSED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

**Section 1. Medicaid Matching Trust.** Working with PHA, the RMH Board shall take all necessary steps to modify the Trust Agreement to cause PHA to provide for (i) an extension of the Trust beyond June 30, 2003, (ii) increasing the balance of the Trust to \$30 million, and (iii) maintaining that Trust at that level. RMH also agrees to any modification of the Lease as may be required to provide for increased Lease payments to serve as a basis for increasing the funds in the Trust to \$30 million.

**Section 2. Communication Improvements.** The County Council and the RMH Board have resolved to institute the following procedures in order to improve communications:

a. The Chair of the County Council will appoint one of its liaisons as *Ex Officio member without vote* to the RMH Board. The appointment may rotate among the liaisons as determined by the Chair of the County Council. Such member shall be entitled to attend all public and executive sessions of the RMH Board, except where matters to be discussed are ones mutually determined by the RMH Board and the *Ex Officio member* to be appropriate for Board Member only sessions. RMH shall amend its bylaws accordingly not later than 90 days from the date hereof.

b. The RMH Board will include an agenda item for each of its monthly meetings to allow for input from the County Council.

c. The RMH Board will reschedule its monthly meetings to a date that is not in conflict with standing County Council meetings.

d. When requested to do so by the Chair of the County Council within reasonable time limits, the RMH Board will facilitate the inclusion of County Council matters on the PHA Board of Directors (the "PHA Board") agenda.

e. The RMH Board commits to meet, whenever requested by the Chair of the County Council, informally or in public session, with the County Council or members of the County staff.

f. The RMH Board commits, when requested by the Chair of the County Council, to facilitate quarterly meetings directly with the leadership of PHA (including its Chairman, CEO and President).

g. At the first County Council meeting in October, beginning in calendar year 2003, members of the RMH Board will brief the County Council on strategic issues (*see Section 3 below for special protocol for certain issues identified by County Council*).

h. At the first County Council meeting in March, beginning in calendar year 2004, members of the RMH Board, members of the PHA Board and PHA management will appear and in public session present an annual report on the activities of each Board.

**Section 3. Special Protocol Regarding Certain Issues.** Any time the RMH Board is presented by the PHA Board with proposed material modifications to the Plan that would detrimentally affect (i) the provision of indigent care, (ii) the continued operation of appropriate emergency room services, or (iii) the provision of quality healthcare to the citizens of the County, the RMH Board will inform the County Council of same. The RMH Board will, prior to taking any vote to approve such changes, permit the full County Council to review and comment on the proposed changes to the Plan.



IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

Bernice G. Scott

By: Bernice G. Scott  
Its: Chairperson

Attest:

Michelle Cannon-Finch  
Michelle Cannon-Finch,  
Clerk to the Richland County Council

THE RICHLAND MEMORIAL HOSPITAL  
BOARD OF TRUSTEES

Elizabeth H. McCullough  
By: Elizabeth H. McCullough  
Its: Chair  
(Printed Name and Title of Signatory)

# Richland County Council Request of Action

**Subject**

Expiration of Contracts for Solid Waste Curbside Collection Service Areas 5A, 5B & 7 **[PAGES 70-75]**

**Reviews**

# Richland County Council Request of Action

**Subject:** Expiration of Contracts for Solid Waste Curbside Collection Service Areas 5A, 5B & 7

## **A. Purpose**

County Council is requested to provide Administration with direction regarding whether Service Areas 5A, 5B & 7 should undergo a new bidding process or whether to authorize Administration to begin negotiations with current contractors that provide service in Areas 5A, 5B & 7 in anticipation of renewing contracts expiring on December 31, 2013.

## **B. Background / Discussion**

- In January 1984 Richland County began providing county-wide curbside collection for residents through five contracted haulers.
- Richland County currently provides curbside collection service. The services provided include household trash, yard waste, bulk item collection and recycling.
- Upcoming negotiations associated with expiring contracts or contracts open for potential rebidding provide an opportunity to enhance our curbside service with additional services, such as 95 gallon roll carts for recycling, unlimited yard waste/large brush pile removal, and bulk and white goods collection by appointment, as is currently provided in Service Areas 2 & 6. We do not expect a cost difference, but we can only make that determination during potential negotiations.
- Negotiations with current haulers will allow us to evaluate their past performance.
- Negotiations should take into consideration current fuel surcharges and adjust the base price to a more current fuel pricing structure. At present the contract fuel surcharge base price is \$2.40 per gallon and the average price of fuel is \$4.08 per gallon as of February 2013, which equates to a 24% fuel adjustment surcharge. By establishing a new baseline fuel price we do not expect a cost increase to the County, but we can only make that determination during negotiations.
- If re-bidding is the preferred option, Procurement will have to issue a Request for Proposals and make the award well before December 31, 2013.

Specific Service Area contracts that will be expiring are Ard in Area 5A with 9,523 homes (Appendix A); Johnson in Area 5B with 1,731 homes (Appendix B); and Johnson in Area 7 with 6,942 homes (Appendix C).

## **C. Legislative / Chronological History**

Although this is a staff-initiated request and there is no legislative history, a similar action was requested in November of 2011 for Service Areas 2 & 6. Service Areas 2 and 6 contracts were re-negotiated with the existing haulers.

## **D. Financial Impact**

There is no anticipated financial impact associated with this request at this time.

## **E. Alternatives**

1. Direct Administration to begin new contracts negotiations with one or both current contractors for Service Areas 5A, 5B & 7.
2. Direct Administration to rebid one or more of Service Areas 5A, 5B and 7.

## **F. Recommendation**

It is recommended that Council choose Alternative 1 to initiate new contract negotiations with current service providers for Service Areas 5A, 5B & 7. This would allow Administration to investigate the

possibility of additional services and collection cost adjustments as well as modify the fuel surcharge to a more current rate. The intent would be to agree on contracts similar to those in Service Areas 2 & 6, which went into effect January 1, 2013.

Recommended by: **Rudy Curtis**

Department: **Solid Waste**

Date: **3/1/13**

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 3/14/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval to allow Administration to begin the process of negotiating new contracts.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 3/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Legal

Reviewed by: Elizabeth McLean

Date: 3/15/13

Recommend Council approval

Recommend Council denial

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

### Administration

Reviewed by: Tony McDonald

Date: 3/18/13

Recommend Council approval






Recommend Council denial

Comments regarding recommendation: Recommend that staff be authorized to negotiate contracts with the current collectors in service areas 5A, 5B and 7.

# RC SWR Area 5A Overview

## Legend

### Municipalities

-  Arcadia Lakes
-  Columbia
-  Forest Acres
-  Area 5A
-  Area 5A Boundary

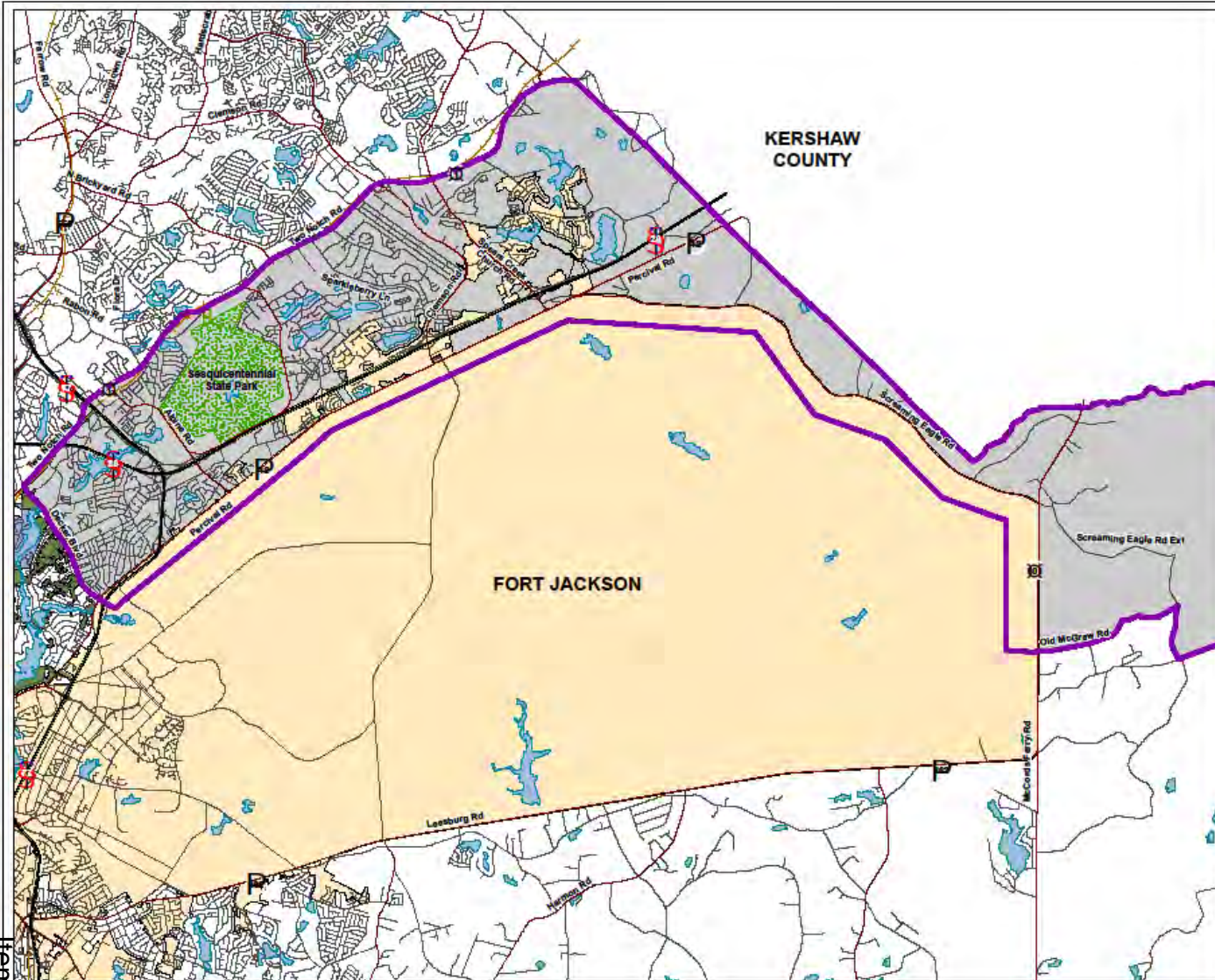
NOTE: Area Boundaries are generated when crossing outside of actual County Collection and into a Municipality.



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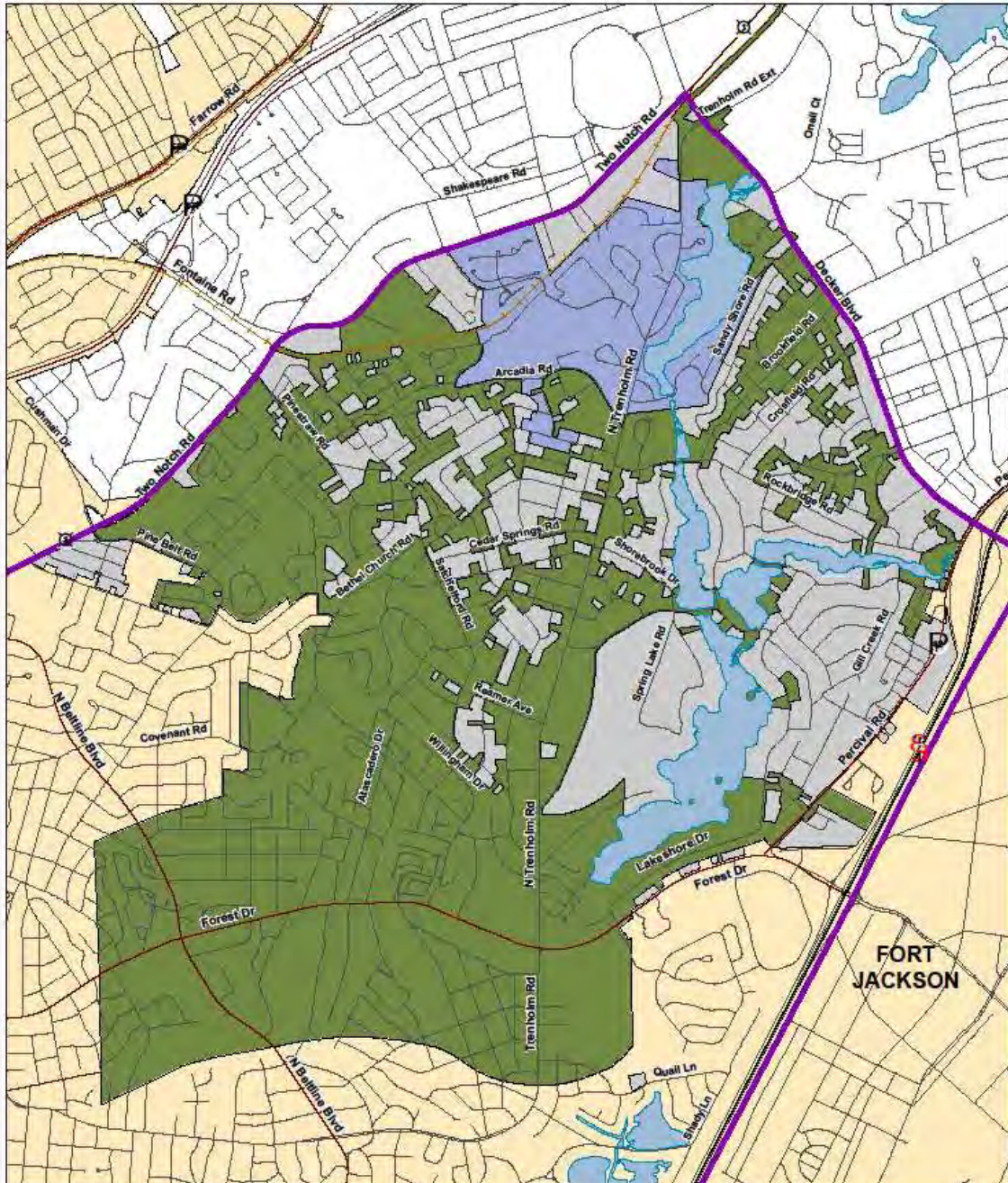


KERSHAW COUNTY

FORT JACKSON



# RC SWR Area 5B Overview



## Legend

### Municipalities

- Arcadia Lakes
- Columbia
- Forest Acres

- Area 5B
- Area 5B Boundary

NOTE: Area Boundaries are generalized when crossing outside of actual County Collection and into a Municipality.

0 0.25 0.5 1 Miles



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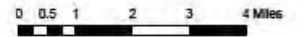
# RC SWR Area 7 Overview

## Legend

### Municipalities

-  Cayce
-  Columbia
-  Eastover
-  Forest Acres
-  Area 7
-  Area 7 Boundary

NOTE: Area Boundaries are generalized when crossing outside of actual County Collection and into a Municipality.



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