

**Richland County Recreation Commission
Regular Board Meeting Minutes
October 20, 2014
6:00PM**

Commissioners in Attendance:

J. Marie Green, Chair
G. Todd Weiss, Vice Chair
Weston A. Furgess, Jr., Secretary
Wilbert Lewis
Barbara Mickens
George Martin
C. Todd Latiff

RCRC Staff in Attendance:

James Brown, III
Kenya Bryant
Ronnie Kinnett
David Stringer
Kasey Wilson
Tony Cooper
Lisa Lewis
Comilla Sampson
Cornelia Watts

Others in Attendance:

James E. Bridgett, Jr., Consultant/Parliamentarian
Rick Morgan, Attorney
Joe McCulloch, Attorney

1. Call to Order:

Chair Green called the meeting to order at 6:00pm and welcomed any guest. Chair Green asked that everyone use their microphones for clarity.

2. Adoption of Agenda: (Action)

Motion to adopt the agenda made by Commissioner Lewis, second by Commissioner Weiss. Motion approved unanimously by all members present: Green, Furgess, Weiss, Latiff, Lewis, Martin and Mickens.

Motion made by Commissioner Furgess to go into Executive Session to discuss a personnel and contractual matter, second by Commissioner Mickens. Motion approved unanimously by all members present: Green, Furgess, Mickens, Weiss, Lewis, Latiff and Martin.

3. Executive Session

Motion made by Commissioner Lewis, second by Commissioner Mickens to come out of Executive Session. Motion approved unanimously by all members present: Green, Mickens, Lewis, Weiss, Martin, Furgess and Latiff.

Commissioner Furgess stated that Executive Session ended at 7:15p.m. and no actions were taken.

Motion made by Commissioner Furgess, having voted with the majority on September 22, 2014 approving the retention of Attorney Joe McCulloch to assist in gathering information concerning the Executive Director, I move that the approved motion of September 22, 2014 be rescinded, second by Commissioner Martin.

Commissioner Weiss, point of order, stated that according to the Robert's Rules of Order; Chapter 37, clause 2, under the rules of Standard Description Characteristics of talking about the motion to reconsider as well as the motion to rescind or amend any vote which the motion would be considered out of order once an affirmative vote in the nature of a contract when a party to the other contract has been notified of the outcome. Commissioner Weiss stated that in this case, he has already notified Attorney Joe McCulloch that he was awarded a contract and we entered into contract with Joe McCulloch and he would think that this would be out of order at this time.

Chair Green stated that she disagrees with Commissioner Weiss because the only way this could be out of order is if Mr. McCulloch had actually completed the task that he was asked to do and as it stands, he has not begun the task, so the motion is not out of order.

Commissioner Lewis asked Mr. Bridgett, Parliamentarian, to give a ruling.

Mr. Bridgett stated that no action has been taken, so you can rescind a motion.

Commissioner Weiss advised that it clearly states in Robert's Rules of Order, Chapter 37 that once you enter into a contract that contract cannot be rescinded. Commissioner Weiss stated that we entered into contract with him on September 22, 2014.

Chair Green stated that in Robert's Rules there is only a few reasons that it cannot be rescinded and one of the reasons is that if the task that has been contracted has already been completed and there is not anything you can do to undo it, for example if you contract someone to paint a building and after the building has been painted, it cannot be rescinded because the job has already been done; as it stands Mr. McCulloch has not started his task, we are only in the beginning process and the task has not been done.

Mr. Bridgett asked if anything has been signed and Chair Green responded stating that she has not signed a contract and all contracts are signed by the Chair.

Commissioner Lewis stated that he wanted to be clear on the ruling from the Parliamentarian on how to proceed and he concluded by asking "As the Parliamentarian, do you see a problem with the issue that has been raised of moving forward with what is being proposed in the motion?"

Mr. Bridgett stated that the action has not been completed, you can always rescind or the maker can retract.

Commissioner Lewis stated that they need a yes or no on how to proceed.

Mr. Bridgett questioned the objection.

Commissioner Weiss stated that the point of order that he raised was Robert's Rules of Order Chapter 37 Clause 2; when it speaks of the motion to reconsider or rescind, it can be applied to the motion or vote except, and there is five different ways which it cannot be applied. Commissioner Weiss identified (d) an affirmative vote in the nature of a contract when the party to the contract has been notified of the outcome (e) any vote which has caused something to be done that it is impossible to undo (f) vote of motion to reconsider and Commissioner Weiss stated that (g) was about three pages long and restated his position being that Joe McCulloch is on retainer as the Board's attorney, we further entered into contract with him on September 22, 2014 by authorizing him to proceed in that manner.

Mr. Bridgett stated that you can rescind, but you have to pay him for what you hired him to do.

Commissioner Lewis stated that his basic question is do we move forward without acknowledging the objection that has been raised.

Mr. Bridgett asked for clarification, stating you want to know whether or not that motion can be retracted or rescinded and Commissioner Lewis answered, "Yes." Mr. Bridgett replied, "Yes."

Commissioner Latiff commented that he would like to go on record confirming the vote that was previously taken to address the concerns by the individuals that raised it and furthermore want to stress to everyone the policies and procedures that are in place in our handbook, that the Commission takes any concerns that have been brought to our attention with significant consideration and Ernst and we welcome those additional people to step forward using the policies and procedures that we have in place at any time.

Motion approved by majority vote; four yea votes (Green, Mickens, Martin and Furgess), three nay votes (Weiss, Lewis and Latiff).

Motion made by Commissioner Furgess that RCRC follow its by-laws and have the Chair conduct an evaluation of the Executive Director by no later than November 15, 2014 and to the extent that any member of the public has any concerns that they be directed to the available public comment portion of the Board agenda that is set aside as part of the regular Board meeting agenda, second by Commissioner Martin.

Commissioner Latiff questioned if this is a change to the by-laws that we currently have in place. Commissioner Furgess stated that there is no change in the by-laws, the Chair conducts the evaluation of the Executive Director. Commissioner Latiff asked if it currently states this in the by-laws and Commissioner Furgess answered, "Yes". Commissioner Latiff stated then there would not be a vote for a change on anything and do we need a motion to abide by the by-laws that are established by the Board.

Mr. Bridgett explained that Commissioner Furgess' is making a motion that the by-laws be followed and an evaluation be done by the Chair. Commissioner Latiff stated that why would we make a motion to follow by-laws that we currently already have.

Commissioner Lewis called for the vote stating that we have a motion and a second on the floor; Chair Green called for the vote.

Motion approved by majority vote; four yea votes (Green, Furgess, Martin and Mickens), three nay votes (Latiff, Weiss and Lewis).

Motion made by Commissioner Latiff to include our policies and procedures for grievances one time, with pay stubs within the next two months, second by Commissioner Mickens. Chair Green called for the vote stating that the RCRC polices should include grievances, sexual harassment, reporting of fraud, mismanagement and Whistle Blower procedures.

Mr. Bridgett asked if the employees have the policies now and Chair Green asked Staff if the employees have manuals that govern their employment, rules, regulations and policies that have been adopted by Richland County Recreation Commission.

Mr. Bryant answered, "Yes".

Chair Green asked if employees are given updates when policies expire or have been changed.

Mr. Bryant stated that after approval from Board, employees are provided with changes.

Commissioner Mickens stated that what she wants and what she thinks Commissioner Latiff wants, is to let employees know and be aware, send out something acknowledging that these policies are in place and use them.

Commissioner Lewis questioned Staff about the practicality of the motion, attaching to pay stub and Mr. Stringer advised that it would not be a problem.

Motion approved unanimously by all members present; Green, Weiss, Latiff, Lewis, Martin, Furgess and Mickens.

4. Approval of Minutes: (Action)

Commissioner Weiss stated for the records that on October 3, 2014 a properly called meeting was asked for by Commissioners Latiff, Lewis and Weiss at 6:00pm at the Adult Activity Center. There was not a quorum at 6:00pm and there was not a meeting held on October 2, 2014.

Motion to approve the minutes from the Regular Board Meeting September 22, 2014 and Special Call Board Meetings September 22, 2014 and October 13, 2014 made by Commissioner Mickens, second by Commissioner Latiff.

Minutes approved unanimously by all members present; Green, Martin, Furgess, Lewis, Mickens, Weiss, and Latiff.

5. Public Input:

No Public Input.

6. Financial Report: (Information)

Ms. Kasey Wilson, Financial Operations, reviewed handouts to Board.

Commissioner Latiff made a request as follows; he would like to know from all the Recreation Commissions in South Carolina as a percentage of total revenue, what are their fees and services generated from internal activities as a percentage of total revenue received from state funding and he would like it for all the Receptions Commissions so that he will have an understanding about how we stand in comparison.

Ms. Cornelia Watts stated that Ms. Fripp is requesting that the RCRC audit presentation by Burkett Burkett and Burkett be scheduled on November 17, 2014 as a Special Call meeting one hour before regular meeting at 5:00pm. All Commissioners present agreed to Special Call Board meeting for audit presentation.

7. Proposed Rental Fee Increase:

Tabled for a future meeting.

8. Bond Construction Update: (Information)

Mr. Ronnie Kinnett, Property Management, reviewed Bond Projects listed on the Bond Construction Updates included in the Board's package.

Commissioner Mickens questioned the completion date of the Bond in 2015. Mr. Kinnett stated that the completion date is around August 2015.

9. Policy Updates: (Action)

Ms. Comilla Sampson stated that the language in the Vehicle Use Policy included in the Board's packet has been changed to match the Travel Reimbursement Policy presented to the Board in January for approval. Ms. Sampson stated that the language was changed to say that employees will not be reimbursed for driving their own personal vehicles because RCRC has vehicles available.

Commissioner Mickens asked if the policy refers to employees only and not Board members because of handicapped situations. Ms. Sampson stated that the policy refers to employees and because RCRC does not have ADA accessible vehicles, employees would be reimbursed for personal vehicle use on Company business.

Commissioner Latiff questioned if Commissioners are reimbursed for mileage and if so why are we any different than employees.

Commissioner Furgess asked if an employee needs to go out on Company business and a RCRC vehicle is not available, then personal vehicle mileage is reimbursed. Ms. Sampson stated that this is correct if a RCRC vehicle is not available.

Commissioner Lewis asked for clarification and Ms. Sampson explained that a vehicle request form is submitted and if a RCRC vehicle is not available, then you will be reimbursed for travel using your personal vehicle based on the state mileage rate.

Commissioner Lewis asked how this fits with the State guidelines. Ms. Sampson and Mr. Stringer advised that they were not aware of the clause inclusion for state guidelines.

Ms. Sampson will research State policy and present findings at next Board meeting. Travel Reimbursement and Vehicle Use policies will be presented at next meeting.

10. Executive Director Report:

Mr. James Brown reported Agency Updates as outlined on the handout.

Commissioner Latiff asked if it would be appropriate at any time for an employee to reach out to an individual Commissioner if there was a grievance.

Mr. Brown stated that he does not tell employees that they can't talk to anybody. Commissioner Latiff stated, so we are openly allowed to accept any calls from anyone at any time.

Mr. Brown stated that in doing so, he wants to be made aware of the accuser.

11. Other Business

Commissioner Lewis stated that there has been considerable discussion in this meeting and others about our roles and by-laws and I propose that the Board be provided a copy of current by-laws, if you don't have one, that governs the Board and provide us an opportunity to review the by-laws and make us aware of the process that we would need to engage in if we have any proposals to make any modifications to the by-laws because he is not aware of what those procedures are.

Commissioner Lewis advised that he needed a copy and Ms. Watts provided a copy.

Commissioner Latiff made a motion, in light of the recent statement made by Mr. Brown, to add into the updated policy when we reaffirm our policies and procedures with grievances that employees are welcome to reach out to any member of the Board directly, second by Commissioner Mickens.

Mr. Brown asked, for the record, Commissioner Latiff to repeat the statement.

Commissioner Latiff stated that employees be notified that they are welcome to reach out to any Commissioner at any time.

Mr. Stringer, Human Resources, advised that a memo will be attached.

Mr. Brown stated, to remember what he requested also, that as long as when employees talk to Commissioners that he is made aware of the information and who is making the request.

Commissioner Latiff stated that he is not comfortable with that and Mr. Brown referenced earlier dialogue. Mr. Brown stated that he would like to face his accuser and Commissioner Latiff stated that he would be happy to discuss it and bring them forward.

Motion approved unanimously by all members present; Green, Latiff, Lewis, Martin, Mickens and Weiss.

Motion made by Commissioner Latiff to go into Executive Session to discuss contractual matters, second by Commissioner Weiss. Motion approved unanimously by all members present; Green, Weiss, Lewis, Latiff, Martin, Furgess and Mickens.

“Executive Session”

Motion to come out of Executive Session made by Commissioner Latiff, second by Commissioner Mickens. Motion approved unanimously.

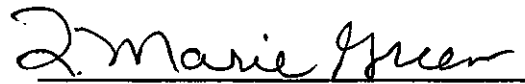
Commissioner Furgess stated that no votes were taken during Executive Session.

Motion made by Commissioner Latiff to remove Ms. Green as Chairwoman of the Richland County Recreation Commission for failure to perform her duties as outlined by the by-laws and support decisions by the Board, for her behavior, second by Commissioner Weiss. Motion failed to pass vote two yea (Latiff and Weiss) and five nay (Green, Lewis, Furgess, Martin and Mickens).

Motion to adjourn made by Commissioner Lewis, second by Commissioner Mickens. Motion approved unanimously by all members present; Green, Mickens, Martin, Latiff, Lewis, Furgess and Weiss.

12. Adjournment:

The meeting adjourned at approximately 8:30p.m.



J. Marie Green, Chair

Minutes approved on this 17th day of November 2014.