

**GREENVILLE COUNTY COUNCIL  
COMMITTEE OF THE WHOLE  
MINUTES  
June 19, 2012  
5:12 p.m.  
County Square - Conference Room D**

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at County Square and posted on the County's web page for all media and concerned citizens to access and review.

**COMMITTEE MEMBERS PRESENT:**

CHAIRMAN BUTCH KIRVEN  
VICE CHAIRMAN BOB TAYLOR  
JOE BALDWIN  
LOTTIE GIBSON  
WILLIS MEADOWS

JOE DILL  
JIM BURNS  
XANTHENE NORRIS  
FRED PAYNE  
SID CATES arrived at 5:31 p.m.

**COMMITTEE MEMBERS ABSENT:**

LIZ SEMAN  
DAN RAWLS

**STAFF PRESENT:**

JOE KERNELL, County Administrator  
MARK TOLLISON, County Attorney  
THERESA KIZER, Clerk to Council  
BOB MIHALIC, Governmental Relations Officer  
SHANNON HERMAN, Assistant to the County Administrator  
PAULA GUCKER, Assistant County Administrator, Public Works

**OTHERS PRESENT:**

NONE

**CALL TO ORDER**

Chairman Butch Kirven

**INVOCATION**

Councilor Xanthene S. Norris

**Item (3)**

**APPROVAL OF MINUTES**

**ACTION:** Councilor Meadows moved to approve the minutes of the Regular Committee of the Whole meetings of June 5, 2012.

Motion carried with Councilors Cates, Rawls and Seman absent and Councilor Baldwin not in attendance for the motion.

**Item (4)**

**BOARDS AND COMMISSIONS POLICY UPDATE AND AMENDMENTS**

Chairman Kirven stated the County Attorney drafted the amendment. He stated the amendment was for the purpose of allowing a member of a board to recuse themselves from a conflict of interest on any item brought before the board.

Ms. Kizer stated the following were staff suggestions for amendments to the Board and Commission Policy:

- changing Roman numerals with Arabic numerals
- Section 6 of the Board and Commission Policy (Interview and Election Process); change the voting period from “the first” to “a regularly scheduled meeting”, which would allow County Council flexibility.
- Section 7 of the Board and Commission Policy: change the verbiage from “a meeting” to “the next regularly scheduled Council meeting after nominations had been made.”
- Section 12 of the Board and Commission Policy: reduce the 15- day calendar application period to a 10-day period, which would allow County Council to take action on the matter at the next Council meeting.
- Section 19 – the purpose of this section was to review the policy after the first year of adoption. The suggestion is to eliminate the section and to review the policy on an “as needed” basis.

**AMENDMENT:** Councilor Norris moved to amend Section 17 (B) “Board Member Removal” by adding “based on documented information” to the verbiage. She stated her proposed amendment was based on a prior decision made by County Council based on a rumor instead of documentation.

Mr. Tollison stated Councilor Norris’ proposed policy amendment may require an amendment to an ordinance.

**ACTION:** Councilor Meadows moved to approve the suggestions to the Board and Commission Policy as read by Ms. Kizer including the amendment by Councilor Norris.

**ACTION:** Councilor Payne moved to add the words “calendar days” to Section 12, to clarify the application period.

The motion to approve the suggestions including the amendment by Councilor Norris and Councilor Payne carried unanimously by the nine Council members in attendance.

Mr. Tollison explained the proposed change to the ordinance would change the current Greenville County Code Section 2-83. He stated the main actions were in Sections (A) and (B). He stated the proposal would require the applicant to prepare a written statement

describing the matter requiring the action and the nature of the conflict or potential conflict with respect of the action and furnish a written copy of the statement to the presiding officer of said board; the individual would recuse themselves from voting on said matter. The board would record the recusal in their minutes and forward the written statement to the Clerk to County Council office for recording purposes.

Councilor Taylor asked why was the verbiage changed from “removal of the board member” to “may resolve.”

Mr. Tollison stated it was worded to leave County Council some discretion on how to handle an issue on an individual basis. In relation to Governor Appointments, County Council had the ability to recommend removal, however the Governor would have the final decision.

Councilor Meadows asked would a recusal be a part of the minutes.

Mr. Tollison stated the actual written statement would be a part of the board/commission minutes. If the proposed policy amendment passed, he suggested sending a copy of the new policy to every current board/commission member including a strong statement relating to ethical practice for their knowledge.

Councilor Gibson stated the confusion went back to the Ashmore Brother’s receiving all of the county road projects. She stated an amendment was made to include family members not being allowed to bid on contracts. She stated as of last year, Ashmore Brother’s were still receiving County contracts.

**ACTION:** Councilor Burns moved to approve the motion.

Mr. Tollison stated there was a prohibition on a family matter issue, which was unchanged in the proposed amendment. The change would allow individuals associated with a family, board or business to serve on a board/commission as long as the member rescues himself from voting by a written statement on any issue causing a conflict.

Chairman Kirven stated there was the possibility of having a family, board, or business who was very active and the board member would have to be recused all the time.

Mr. Tollison stated County Council would have to take a careful look at each individual applicant and maybe suggest they apply for another board, if they were associated with a family, board or business which was very active.

Chairman Kirven stated there was a prohibition on the Disabilities and Special Needs Board stating an individual would not be able to serve on the board if they were receiving benefits.

Councilor Meadows stated he did not need to make a change if nothing was wrong with the current policy.

Chairman Kirven stated it was his understanding County Council members had the ability to recuse themselves, however individuals would not have the ability for appointment to a board/commission or they would have to remove themselves from the board if there was a conflict of interest.

Councilor Payne stated he agreed with Chairman Kirven; board/commission members should have the same recusal ability as County Council. He stated the proposal was an option to expose a potential conflict or recuse himself.

Chairman Kirven suggested the inclusion of a disclosure section on the board/commission application relating to the potential conflict of interest with the board they applied to.

Ms. Kizer stated any questions County Council wanted would be included on the application.

Councilor Dill stated he agreed with Councilor Meadows; the process had worked since 2003. He was concerned with creating more problems.

Councilor Norris stated she agreed with adding a disclosure section to the board/commission application.

Motion to approve the ordinance was denied by a vote of five in favor (Burns, Norris, Payne, Taylor, Kirven), five in opposition (Dill, Baldwin, Meadows, Cates, Gibson) and two absent (Seman, Rawls).

Councilor Dill stated he felt lack of knowledge was an issue. He gave an example of a fire district being unaware of the policy relating to conflict of interest.

**ACTION:** Councilor Burns made a motion for 100% enforcement for all board/commission members relating to conflict of interest.

Motion to have 100% enforcement for all board/commission members relating to conflict of interest carried unanimously with the ten County Council members present.

Mr. Tollison stated Councilor Norris' motion relating to documented grounds for removal would require a change to the County Code Ordinance.

Councilor Norris stated County Council needed to be consistent.

**ACTION:** Councilor Baldwin made a motion to reconsider the ordinance.

Motion to reconsider the ordinance carried with eight in favor (Baldwin, Cates, Burns, Norris, Gibson, Payne, Taylor, Kirven), two opposed (Dill, Meadows) and two absent (Seman, Rawls).

Councilor Baldwin asked if approval of the ordinance would allow individuals on board/commission to operate under the same recusal process as County Council members.

Councilor Dill stated he was concerned with individuals being a member of a board whereby the board may have an agreement now or in the future with the board; he felt it weakened the policy. He stated he has never seen that issue arise within County Council.

Councilor Baldwin stated under the current board/commission policy members were not allowed to recuse themselves; their only option was resignation.

Councilor Burns stated he did not feel the proposal would weaken the policy. He stated the proposal pointed out an individual would have to recuse himself from a conflict of interest

matter, but still be allowed to stay on the board.

Councilor Payne stated he had recused himself on different matters in the past. He stated he was in favor of allowing board/commission members to recuse themselves.

Councilor Meadows called the question.

**ACTION:** Councilor Burns moved to forward the ordinance to amend Greenville County Code Section 2-83 to County Council for first reading.

Motion to amend the Greenville County Code Section 2-83 carried with eight in favor (Baldwin, Cates, Burns, Norris, Gibson, Payne, Taylor, Kirven), two opposed (Dill, Meadows) and two absent (Seman, Rawls).

**Item (5)**

**ADJOURNMENT**

**ACTION:** Councilor Taylor moved to adjourn the meeting.

Without objection the Committee of the Whole meeting was adjourned at 6:02 p.m.

Respectfully submitted:

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Theresa B. Kizer, Clerk to Council