



**MINUTES
WORKSESSION
FAIRFIELD COUNTY COUNCIL
SEPTEMBER 16, 2014**

Present: David L. Ferguson, R. David Brown, Mary Lynn Kinley, Kamau Marcharia, Dwayne Perry, Carolyn B. Robinson, Council Members; J. Milton Pope, County Administrator; Davis Anderson, Deputy County Administrator; Shryll Brown, Clerk to Council; Hyatte Kelsey, HR Director

Absent: Mikel R. Trapp

In accordance with the South Carolina Code of Laws, 1976, Section 30-4-80 (e), as amended, the following persons and/or organizations have been notified of the time, date, and location of this meeting: The Herald-Independent, The State, and Winnsboro Cablevision, and ninety-six other individuals.

1. CALL TO ORDER

Chairman Ferguson called the meeting to order at approximately 7:05 P.M.

2. INVOCATION

Council Member Kinley led in the invocation.

3. ITEMS FOR DISCUSSION

Chairman Ferguson set forth that, at the end of the two items for discussion tonight, he would like to add, for discussion only, a matter that Council Member Kinley has become aware of at the Rotary meeting as it relates to the EPA Clean Power Plan that will affect South Carolina.

A. Inclement Weather Policy

Mr. Pope gave a brief overview of the discussion. He cited the County changed its policy regarding inclement or severe weather conditions back in 2011. On May 9, 2011 during a budget presentation, there was discussion about streamlining human resources policies. Severe weather policy was brought to Council's attention at that time, where it read that if buildings are closed, employees can use vacation, sick leave or leave without pay. Prior to this policy, when the County offices were closed for weather events, employees did not work, except for public safety employees, and everyone was paid for that time.

Several weather events have occurred this year, i.e., three or four snow days, and after speaking with emergency services, the Administrator's recommendation was to close the buildings. There was another event whereby there was a mechanical failure at the Courthouse where the same principles of the policy was used to manage that situation.

Going forward, if the County makes changes to the policy, the Administrator's recommendation would be that those changes be prospective, as a lot of disparity issues would be raised, as well as any changes would have a fiscal impact on the budget.

Comments and Questions:

- Is the policy part of the budget ordinance or a resolution? It is my opinion that if Council or the Administrator tells somebody not to come to work, or tells people to stay home, then we should not dock that person for staying home.
- Out of the 46 counties, what counties have adopted a similar plan where County employees, not emergency employees, that do not pay their employees when an office has been closed outside of their own (where they don't have an impact on whether or heat or whatever).
- If they do not have a place to come to, and the office is physically closed, the employees should be paid for not coming to work. If the weather is bad, but the buildings are open, whether employees can get to work or not, they would have to take some form of time off.
- Whether the process it, it needs to be an equity in the process when looking at all levels of employees. You should not establish a policy that has built-in inequities in it, as chances are how administrative employees and public safety employees are treated is going to be viewed.
- It is a difference from the private side versus the government side. If employees are up and willing to come to work, but the offices are closed, one would question why they have to be docked for not being able to come because it is closed. It is a complex issue. Do not think it is the employees' fault if Administration cannot keep the building open.
- Various emergency sections still have to work. Would send out a 4-wheeler to get them if they have a problem coming to work. The emergency workers did not lose their vacation or sick leave time. They are not penalized in that regard. Employees at the Courthouse have lost 7 of 12 days for no fault of their own. As a common practice, the worst weather is in the western part of the County, and they likely would have the harder time getting to work. Cheaper in the long run to shut the buildings and pay employees than it is to have the doors open and an employee trying to get to work and experience an accident or is killed. Have to look at the liability. This has been a deterrent to the morale of the employees of this County. Think about limiting the number of days employees can accumulate. Have a problem with the fact that when the Courthouse was shut down, employees they did not have the opportunity to stay and work.
- How many days can an employee carry forward? If the weather is extremely severe, the Courthouse is open, and someone needs a ride, the County should assist in getting them there instead of them having to take a day off. Opine that the County should wait until the last moment to call things off, instead of relying on the weather prognosticators.
- It's a proven fact that if employees have had a vacation, they come back more refreshed and more productive. If the County continues to ask its employees to continue to work without vacation time off, then production is going to go down, so is there any savings realized.
- Policy has not changed within the last two years. It was one that was adopted and in place, everything that has come under that has been within the policy. Real important factor to follow policy, because those are the rules that govern. Trying to point out the factual circumstances. The County does not have any liability when someone is coming in to work; only when the County places an employee in a vehicle to bring them to work. As far as employee morale is concerned, the changed that took place two years ago was not very favorable to all employees. When the issue at the Courthouse occurred, the Administrator contacted the Clerk of Court for her consent, and the discussion of when to close the Courthouse occurred. If the Council desires to direct the Administrator to change the policy to state: if the County has an inclement weather day, there will not be an assessment of any sick leave or vacation leave, etc., Council can do that.
- Can the County revert to the old policy?
- Because there is a policy in place, Administrator would request Council give official direction to amend the policy to be consistent because two or three years from now, and there is a weather event where the buildings are closed; there is a bright, sun shiny day, there are going to be people from the public are going to complain about tax dollars going to waste due to the buildings being closed.
- Biggest complaint, not counting the weather, is around New Year's Day when taxes are due; people are trying to pay their taxes, and the Courthouse ends up being closed for a couple of days.

- How many of the 310 employees the County has fall within minimum-wage workers? If an act of God prevents employees from coming in, opin the employees should not be penalized.
- Would like to hear the Administrator's recommendation.
- The benefit given to employees is to try to emphasize how important sick leave days are. Historically, generally employees understand that and grasp that, but there are other employees who view it as when it becomes available, it becomes available for us. The weakness in the policy, if it were to be maintained as it is, would be for the newer employee who has not had the opportunity to accrue time. That is not an issue at the Courthouse. Professionally speaking, for accountability purposes, do not have an issue; however, it appears this matter has become more than what the simple policy is. From a fiscal standpoint, would recommend maintaining the policy as it is, and if the Council desires, should change it prospectively at the beginning of a new fiscal year. Would not recommend changing the policy or making anything retroactive in this fiscal year.
- Did we make a mistake by closing the Courthouse? My understanding that it was a citizen; not an employee of the County that called and said why are you all making those people work up there in all this heat, and from that, the decision was made. With that decision, is that addressed in this policy? Maybe the Council can make those three days good with the employees, and keep the policy as it is.
- Administration considered the issue of the heat element of a mechanical failure to be under severe weather conditions.
- Don't feel like we should go back and pay for time lost, but from this point forward.
- How many days can an employee be out before a doctor's excuse is required?
- How do you compensate equally for the people who work in emergency services?
- The County may have a policy; however, Council has the right to forgive those days when they occur. Do not think any employee should be docked for inclement weather and snow days.
- If it is the will of Council to restore the three days, the time can be restored and everything can be placed back on equal footing.
- It was the consensus of Council to place on the regular meeting agenda for Monday night a vote to restore the three days to the Courthouse employees, and to establish another work session to revisit the total Inclement Weather Policy.

B. Community Enhancement Grant Funds Policy

Mr. Pope reported that this matter was forwarded to a work session for discussion, and the motion was for Council to consider the allocation of unexpended funds, based upon the last award. Funds remaining (or unexpended) in each district are as follows: District 1 - \$2,000.00; District 2 - \$0; District 3 - \$1,500.00; District 4 - \$1,500.00; District 5 - \$0; District 6 - \$1,000.00; District 7 - \$0.

Comments and Questions

- Time frame was too short. The process should be opened up to each Council Member to receive additional applications until all funds are expended. Disagree that Council Members were not involved. Some decisions made need Council input before it comes to a total vote, giving them an opportunity to brief the applications and give a statement to the Administrator or Chairman to take to the committee.
- Is the criteria that Council established a problem that some of the smaller churches are having?
- If Council desires to open up a second window with the guidelines already adopted is one matter; however, one of the things that may need to be assessed is that Council Member involvement is, in part, is what brought Council to the redefining of discretionary funds to Community Enhancement Grants. After Council's direction, staff came up with a process whereby everyone has an equitable opportunity to apply. Staff looked at the documentation based on the criteria that was adopted by Council. If more applications had been received, more discussion would have occurred; scoring sheets and more information would have been involved. The process was developed to limit Council Member involvement on the front end process, where it would be a transparent process, and not someone getting favor over someone else. The Council Member's responsibility would be, once those recommendations came forward, Council does not have to accept any from staff, and is Council's final decision to do that.

- Employee input is going through the applications and making sure it meets the criteria; then coming to Council and Council says why this applicant should or should not be receiving the grant. Council then would vote two weeks following the recommendations that come forward. Did not see a deadline in the application to apply. Was this on-line as well as in the papers? Council is going to have a responsibility to get out and talk to the people during the application process and make them aware that the application process is out there. Have a concern about a major emergency that might occur in a community, which might be something the Council needs to react to. If, what the Council did Monday night, is final; then Council is sitting there with x amount of funds and the Council Member doesn't have the opportunity to come back through the Enhancement Program to contribute to the emergency. Feel that if the money is there and is not spent, before the end of the budget year, need to have the opportunity to go through the application process to enhance something in the community
- Can we consider extending the process for thirty (30) days, as some of the churches did not see the advertisement and have called to inquire about it.
- Maybe it needs to be opened back up to the public.
- Not sure if thirty days is a good number of not; but the fact is it needs to be a deadline established, as verification has to be performed before the end of the year.
- For the remaining funds, consider indicating the money has to be expended by the end of the calendar year, and receipts submitted by the last day of January, 2015.
- Are you amending the first group, to say instead of December, they have until January?
- As a reminder, the discretionary funds were in the budget process, so whatever funds were decided on then; whatever the process was, it was implemented or distributed in July, and for a lot of communities, there were back-to-school bashes, etc., and the funds were available then. Council asked staff to get the information back as quickly as possible because of running up against that. Also, it was the thought process to establish the program on the front end where it can be rolled into the budget process and ready to appropriate July 1. By pushing it back, we will get into three cycles of discretionary funding. If receipts are not submitted as soon as possible, it may be more difficult to get them later in order to close out everything.
- Suggest that language be added to the introduction that if receipts are not submitted, they would not be eligible for future grants.
- Open the application process back up with a minimum of sixty (60) days.
- Ask Mr. Pope and his staff to come up with a recommendation Monday night that will give applicants time enough to apply and get the receipts back in.

Chairman Ferguson asked the Clerk of Council to post an email she received relating to a nomination for the Order of the Palmetto. After hearing the request, it was the consensus of Council to support the nomination, and requested that the Clerk collaborate with Mr. Pope to prepare a letter as such.

Update from Rotary Meeting. Council Member Kinley brought forth that Mr. Bill Hart presented an EPA Clean Water program at Rotary, which indicated that South Carolina must take the largest carbon dioxide rate reduction in the nation. She asked if Council could invite Mr. Mark Quinn to make that presentation to County Council at the next meeting. It was the consensus of Council to invite Mr. Quinn to make that presentation.

4. **ADJOURN**

The meeting was adjourned at 9:36 P.M., upon unanimous approval of County Council.

SHRYLL M. BROWN
CLERK TO COUNCIL

DAVID L. FERGUSON, SR.
CHAIRMAN