



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, JULY 9, 2019

The Columbia City Council conducted a meeting and a public hearing on Tuesday, July 9, 2019 at City Hall, 1737 Main Street, Columbia, South Carolina 29201. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 2:10 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Mayor Pro-Tempore Tameika Isaac Devine, The Honorable Howard E. Duvall, Jr., and The Honorable Daniel J. Rickenmann. The Honorable Moe Baddourah and The Honorable Edward H. McDowell, Jr. were absent. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the South Carolina Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

The Honorable Howard E. Duvall, Jr. offered the invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Davis and seconded by Mr. Duvall, Council voted unanimously to adopt the agenda as presented.

Ms. Teresa Wilson, City Manager took a moment of personal privilege to introduce Ms. Leydi Grajales as the Assistant City Clerk.

PUBLIC INPUT RELATED TO ITEMS ON THE AGENDA

No one appeared at this time.

PUBLIC HEARING & ORDINANCE FIRST READING

1. Ordinance No.: 2019-055 Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-146 Fire hydrant, fire protection and sprinkler system charges (a) – *Approved on first reading.*

Council opened the Public Hearing at 2:13 p.m.

No one appeared at this time.



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, JULY 9, 2019

Council closed the Public Hearing at 2:13 p.m.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2019-055 Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-146 Fire hydrant, fire protection and sprinkler system charges (a).

ORDINANCE - FIRST READING

2. Ordinance No.: 2019-022 Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, to add Article VII Conviction and Wage History Prohibition in City Employment and by City Contractors and City Vendors – *Approved on first reading.*

Mayor Benjamin said we're going to have time between the first and second readings to discuss the ordinance more. This is a strong statement that we believe in second chances. In some cases, people will have their first chance to participate in this American economic experiment and I'm proud to support this ordinance.

Councilor Rickenmann said one concern is that we don't have a policy in place to do a background check once a job is offered. Our employees are exposed and interact with children, the elderly, and all types of people. Unfortunately, I've lost faith in the system. Second chances are great. Our court systems are releasing people left and right. We ought to give the person the benefit of the doubt, but what's the next step. I think it's important to have a policy as part of this so that things don't slip through the cracks and so that we don't put our employees and the public in harm's way.

Mayor Benjamin said that's something we must have in place. We have to make sure that everything we do is in the interest of not just creating opportunities, but also protecting the public that we're sworn to serve whether it be in our parks system or working closely with citizens every day. Our Police Department had 150,000 contacts with citizens last year. Pam, that may be something we spend time on before second reading.

Councilor Davis said if that allows some comfort then I don't have a problem with it. It may be an opportunity to look at what other municipalities have done.

Mayor Benjamin said we've been walking the walk for some time now. This is formalizing the process. This is the type of thing you want broad support for by doing it and doing it right.



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Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2019-022 Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, to add Article VII Conviction and Wage History Prohibition in City Employment and by City Contractors and City Vendors.

RESOLUTIONS

3. Resolution No.: 2019-032 Adopting a Fair Chance Policy to Prohibit Inquiry into Conviction History Information or Wage History Information - *Approved*

Mayor Benjamin said this is the same discussion per Daniel's and Sam's comments. It is important to note that we are also talking about wage history and recognizing the disparities that exist more so by sex. Women are paid significantly less than men. Requiring previous wage history to be a part of the factor usually perpetuates that history of discrimination. This is also an opportunity for us to begin to rectify some of our major societal challenges.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: 2019-032 Adopting a Fair Chance Policy to Prohibit Inquiry into Conviction History Information or Wage History Information.

Councilor Devine said all of us are watching debates on the national level regarding issues that the federal government has not been able to effectively address. When you look at people who are doing things that are improving the lives of citizens, it is local government. Cities, towns, and counties across the country are implementing policies like Ban the Box and deleting wage history and it's making a difference. We were the national leader on bump stocks. We are the leader on these issues and we'll see them be widely accepted by the citizens and help to build our economy locally and statewide.



**COLUMBIA CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 9, 2019**

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4. Resolution No.: 2019-059 Adopting a Policy and Criteria to Apply Richland County's Commercial Development Tax Credit for Developments within the City of Columbia - *Approved*

Councilor Rickenmann said this is premature for us to take up. Our staff is assessing why our tax situation is what it is. The work that Jeff is engaging in with Dr. Gunnlaugsson will give us an inside look on how to address it. This is a far cry from what we've done before. You have to get three businesses to make up for the one that's here. A lot of the burden is going to shift to the people who are already paying. I suggest that we work with the County to identify what our tax situation is; why are the costs the way they are; and how does that burden transfer. We've identified non-tax paying as part of the issue, but we didn't dive into the other elements. It would be prudent to do that before we jump into this.

Councilor Davis said I am intrigued about the other elements in addition to the non-profit challenges we have.

Mayor Benjamin said most of the things we've been able to do within the City have been opportunities that we brought to the County. We are not a state of 150 cities; we are a state of 46 counties. Most of the tools are available to them under the state constitution and state statutes. This is not perfect, but I don't want perfect to be the enemy of the good. Every member of Council has the reality that 76.5% of our real estate is in areas that are not on the tax rolls here. You combine that with the impact of Act 388 on residential property and it creates a challenging situation so that regular commercial taxpayers are bearing a disproportionate amount of the burden. It has arrested development to a degree. I don't want to look a gift horse in the mouth.

Councilor Duvall said I hope that we will pass this resolution also because it is such a general resolution and it requires that it go back through county and city councils for each individual project. It only sets a threshold of \$30 million. The rest has to be determined by city and county staff and city and county council. This is an effort by the county to put forward a roadmap for how we will treat future tax credits. I agree that it is an imperfect policy. We need to adopt the policy with whatever flaws it has and work through those flaws as we get projects that qualify.

Councilor Davis said I don't have a problem going with this. We all know where we want to end up. I can live where we are headed but continue to research it and see what our experiences are. We can tweak it if necessary.

Mayor Benjamin said the concerns are duly noted. We have a whole lot of work to do.



**COLUMBIA CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 9, 2019**

Upon a motion made by Mr. Duvall and seconded by Mr. Davis, Council voted [4 to 1] to approve Resolution No.: 2019-059 Adopting a Policy and Criteria to Apply Richland County's Commercial Development Tax Credit for Developments within the City of Columbia. Voting aye were Mr. Duvall, Ms. Devine, Mr. Davis, and Mayor Benjamin. Mr. Rickenmann voted nay.

EXECUTIVE SESSION

Upon a motion made by Mr. Duvall and seconded by Mr. Davis, Council voted unanimously to enter into Executive Session at 2:29 p.m. for the discussion of **Items 5** through **7** as outlined.

5. Receipt of legal advice related to matters covered by attorney-client privilege pursuant to §30-4-70 (a)(2)

2019-045 add Sec 14-7 Firearms recovered from crimes or criminal activity
2019-046 amend Sec 8-31 Nuisance- Definitions (add ghost gun)
2019-056 Extreme Risk Protection Orders
Tree Removal Policy
Parks and Recreation Foundation
Municipal Court

6. Discussion of matters relating to proposed location or expansion of services to encourage location or expansion of industries or other businesses pursuant to S.C. Code §30-4-70(a)(5)

Avolanta

7. Receipt of legal advice relating to a pending, threatened or potential claim – S.C. Code §30-4-70(a)(2)

Len Roberson v. COC

ADJOURNMENT

Council adjourned the meeting at 5:58 p.m.

Respectfully submitted by:

Erika D. Moore, CMC
City Clerk

ORDINANCE NO.: 2019-055

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V. Water and Sewer Rates, Sec. 23-146 Fire hydrant, fire protection and sprinkler system charges (a)

BE IT ORDAINED by the Mayor and Council this ____ day of _____, 2019, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-146 Fire hydrant, fire protection and sprinkler system charges (a) is amended to read as follows:

Sec. 23-146. Fire hydrant, fire protection and sprinkler system charges.

(a) Fire hydrant charges added to water bills for out-of-city customers shall be:

	Current	Proposed
(1) Residential, single unit	\$ 8.00	\$ <u>10.00</u>
(2) Residential, multi-unit (served by one meter):		
a. First unit	8.00	<u>10.00</u>
b. Each additional unit	6.00	<u>7.50</u>
(3) Small business	10.00	<u>12.50</u>
(4) Commercial	18.00	<u>22.50</u>
(5) Heavy commercial or light industry	34.00	<u>42.50</u>
(6) Industry	44.00	<u>55.00</u>

(b) The minimum charge shall be made for each out-of-city meter connected to the water line, even though it may be cut off.

The rest and remainder of this section shall remain unchanged.

This ordinance is effective as of final reading.

Requested by:

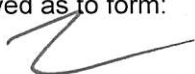
Mayor and City Council

Mayor

Approved by:

City Manager

Approved as to form:



City Attorney

ATTEST:

City Clerk

Public Hearing:

Introduced:

Final Reading:

ORDINANCE NO.: 2019-022

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, to add Article VII Conviction and Wage History Prohibition in City Employment and by City Contractors and City Vendors

WHEREAS, the ability of people with records to successfully reintegrate into their communities contributes to reduced recidivism, strengthens families, and leads to safer communities; and,

WHEREAS, people with records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for many forms of social service benefits; and,

WHEREAS, certain populations are arrested, convicted, and incarcerated in numbers disproportionate to their representation in the population as a whole; and,

WHEREAS, many people with records in the City are likely to be unemployed or underemployed; and,

WHEREAS, people with records represent a workforce that have skills to contribute and a desire to add value to their community; and,

WHEREAS, the City of Columbia seeks to assist the rehabilitation of people with records and ensure healthier, safer communities; and,

WHEREAS, studies indicate that stable employment is one of the best predictors of post-conviction success; and,

WHEREAS, states and cities across the country have adopted fair chance hiring policies to remove unfair barriers to employment of people with records; and,

WHEREAS, the U.S. Equal Employment Opportunity Commission, to maximize compliance with federal anti-discrimination law, recommends delaying inquiry of a job applicant's conviction history and considering the job-relatedness of the conviction taking into account length of time since conviction, and providing an individualized assessment affording the opportunity to correct any inaccuracies and to submit evidence of mitigation or rehabilitation; and,

WHEREAS, it is the public policy of the City to encourage the employment of people previously convicted; and,

WHEREAS, it is the public policy of the City to encourage the employment of people previously convicted; and,

WHEREAS, the gender wage gap has narrowed by less than one-half a penny per year in the United States since 1963, when the Congress passed the Equal Pay Act, the first law aimed at prohibiting gender-based pay discrimination, according to the National Committee on Pay Equity; and,

WHEREAS, in August of 2016, Massachusetts became the first state to enact a law prohibiting employers from seeking or requiring a prospective employee's wage history; and,

WHEREAS, since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities and leave families with less money to spend on food, housing, and other essential goods and services; and,

WHEREAS, salary offers should be based upon the job responsibilities of the position sought and not based upon prior wages earned by the applicant; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and Council this ____ day of _____, 2019 that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration is hereby amended to add Article VII

Conviction and Wage History Prohibition in City Employment and by City Contractors and City Vendors, to read as follows:

ARTICLE VII. CONVICTION AND WAGE HISTORY PROHIBITION IN CITY EMPLOYMENT AND BY CITY CONTRACTS AND CITY VENDORS

Sec. 2-351. Purpose.

The purpose of this article is to ensure that the hiring practices of the City of Columbia do not, and urge private employers and government contractors doing business with the City of Columbia, to not unfairly deny people with arrest and conviction records employment and to further encourage rehabilitation of people with records to strengthen communities as well as to ensure that salary offers are based upon the job responsibilities of the position sought and not based upon the prior wages earned by the applicant.

Sec. 2-352. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Adverse action means to refuse to hire, to not promote, to discharge a person, or to revoke an applicant's conditional offer of employment.

Applicant means any person considered for, or who requests to be considered for, employment or any employee considered for, or who requests to be considered for, another employment position, by the employer.

Awarding authority means any department, agency, or office of the City that authorizes a vendor to provide requested goods and/or perform services.

City means the city, department, agency, or office thereof.

Employer means the City, private employers and government contractors; and any person regularly employing five or more persons; any person acting as an agent of an employer, directly or indirectly; or any person undertaking for compensation to procure employees or opportunities for employment.

Employment means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay.

To inquire means to ask a job applicant in writing or otherwise.

Vendor means any vendor, contractor, or supplier of goods or services to the City.

Wages means all earnings of an employee, regardless of whether determined on time, task, piece, commission or other method of calculation and including fringe benefits, wage supplements, or other compensation whether payable by the employer from employer funds or from amounts withheld from employee's pay by the employer.

Sec. 2-353. Considering Conviction History in Employment Decisions

(a) *Identifying position as requiring background check.* The employer shall not conduct background checks on applicants unless the employer has made a good faith determination that the relevant position is of such sensitivity that a background check is warranted or if a background check is required by law.

(b) *Posting job announcements.* All job announcements and position descriptions shall contain the following information if the position requires a background check, unless otherwise required by law: "This position is subject to a background check for any convictions directly related to its duties and responsibilities. Only job-related convictions will be considered and will not automatically disqualify the candidate."

(c) *Job applications.* Job applications shall not inquire into an applicant's conviction history.

(d) *Notice of rights.* Prior to any conviction history check, the employer shall send the applicant a conditional offer letter, notice of rights under this ordinance, and a request for authorization to conduct a background check, if so required.

(e) *Limitation to conviction history.* The employer shall not use or access the following criminal records in relation to a background check: records of arrest not followed by a valid conviction, sealed, dismissed, or expunged convictions, misdemeanor convictions where no jail sentence can be imposed, and infractions.

(f) *Conviction history inquiry.* The employer shall not inquire into or consider an applicant's conviction history until after the applicant has received a conditional offer. If the employer is considering the conviction history of the applicant, the employer shall consider job-related convictions only. If a statute explicitly requires that certain convictions are automatic bars to employment, then those convictions shall be considered as well. Otherwise, no person shall be disqualified from employment, solely or in part because of a prior conviction, unless it is a job-related conviction. In determining if a conviction is job-related, the employer shall consider:

- (1) Whether the conviction is directly related to the duties and responsibilities of that employment position;
- (2) Whether the position offers the opportunity for the same or a similar offense to occur;
- (3) Whether circumstances leading to the conduct for which the person was convicted will recur in the position; and
- (4) The length of time since the offense occurred.

(g) *Pre-adverse action notice.* If an applicant's conviction history contains information that may be the basis for an adverse action, the employer shall:

- (1) Identify the conviction item(s) that are the basis for the potential adverse action;
- (2) Provide a copy of the conviction history report, if any;
- (3) Provide examples of mitigation or rehabilitation evidence that the applicant may voluntarily provide; and,
- (4) Provide the applicant with an individualized assessment as described below.

(h) *Individualized assessment.* A job-related conviction shall not be the basis for an adverse action if the applicant can show evidence of mitigation or rehabilitation and present fitness to perform the duties of the position sought. The applicant shall have ten (10) business days, after issuance of the notice, to respond with any information rebutting the basis for the adverse action, including challenging the accuracy of the information and submitting mitigation or rehabilitation evidence. The employer shall hold the position open until it makes the final employment decision based on an individualized assessment of the information submitted by the applicant and the factors recommended by the U.S. Equal Employment Opportunity Commission.

(i) *Evidence of mitigation or rehabilitation.* Evidence of mitigation or rehabilitation may be established by:

- (1) Evidence showing that at least one year has elapsed since release from any correctional institution without subsequent conviction of a crime; and evidence showing compliance with terms and conditions of probation or parole; or
- (2) Any other evidence of mitigation or rehabilitation and present fitness provided, including, but not limited to, letters of reference.

(j) *Final notice.* If the employer makes an adverse decision, the applicant shall be informed of the final decision and that he or she may be eligible for other positions.

(k) *Confidentiality.* Any information pertaining to an applicant's background check obtained in conjunction with the hiring process shall remain confidential, and shall not be used, distributed, or disseminated by the employer or any of its agencies, or its vendors, to any other entity, except as required by law.

Sec. 2-354. Prohibition on Inquiries into Wage History.

(a) *Prospective employees.* The City shall not inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this ordinance.

(b) *Salary or contract negotiations.* The City shall not rely on the wage history of a prospective employee from any current or former employer of the individual in determining the wages for such individual at any stage in the employment process, including the negotiation or drafting of any employment contract, unless such applicant knowingly and willingly disclosed his or her wage history to the employer, employment agency, employee, or agent thereof.

(c) *Job applications.* Job applications shall not inquire into an applicant's wage history.

Sec. 2-355. Vendors

(a) The City encourages vendors that do business with the City to adopt and employ conviction and wage history policies, practices, and standards that are consistent with City standards outlined in this chapter.

(b) During the bid or contracting process, the Awarding Authority can review all vendors' conviction and wage history policies for consistency with City standards. The vendors' conviction and wage history standards can be part of the criteria to be evaluated by the City when determining whether to award a City contract. Further, the City will be able to evaluate a vendor's execution of the conviction and wage history standards as a part of the performance criteria of said City contract(s). The Awarding Authority can, if it so chooses, consider these conviction and wage history standards when considering all City contracts.

Sec. 2-356. Compliance

(a) *Records.* The employer shall retain application forms, records of employment, and other pertinent data and records required under this chapter, including but not limited to, communication with the applicant, for a minimum of three years, and shall allow access to such records to appropriate entities if a dispute shall arise regarding the provisions of this chapter.

(b) *Data Collection.* The employer shall maintain a record of the number of positions requiring background checks and for those positions, shall maintain a record of the number of applicants and the number of applicants who were provided a conditional offer. In addition, the employer shall maintain a record of the number of applicants with a record for a position:

- (1) who were provided a pre-adverse action notice;
- (2) who provided evidence of mitigation or rehabilitation;
- (3) who were provided a final adverse notice; and
- (4) who were hired.

This ordinance shall be effective upon final reading.

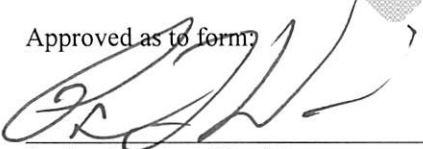
Requested by:

Mayor Benjamin

Approved by:

City Manager

Approved as to form:


Senior Assistant City Attorney

Introduced:

Final Reading:

Mayor

ATTEST:

City Clerk

RESOLUTION NO.: R-2019-032*Adopting a Fair Chance Policy to Prohibit Inquiry into Conviction History Information
or Wage History Information*

WHEREAS, the ability of people with records to successfully reintegrate into their communities contributes to reduced recidivism, strengthens families, and leads to safer communities; and,

WHEREAS, people with records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for many forms of social service benefits; and,

WHEREAS, certain populations are arrested, convicted, and incarcerated in numbers disproportionate to their representation in the population as a whole; and,

WHEREAS, many people with records in the City are likely to be unemployed or underemployed; and,

WHEREAS, people with records represent a workforce that have skills to contribute and a desire to add value to their community; and,

WHEREAS, the City of Columbia seeks to assist the rehabilitation of people with records and ensure healthier, safer communities; and,

WHEREAS, studies indicate that stable employment is one of the best predictors of post-conviction success; and,

WHEREAS, states and cities across the country have adopted fair chance hiring policies to remove unfair barriers to employment of people with records; and,

WHEREAS, the U.S. Equal Employment Opportunity Commission, to maximize compliance with federal anti-discrimination law, recommends delaying inquiry of a job applicant's conviction history and considering the job-relatedness of the conviction taking into account length of time since conviction, and providing an individualized assessment affording the opportunity to correct any inaccuracies and to submit evidence of mitigation or rehabilitation; and,

WHEREAS, it is the public policy of the City to encourage the employment of people previously convicted; and,

WHEREAS, the gender wage gap has narrowed by less than one-half a penny per year in the United States since 1963, when the Congress passed the Equal Pay Act, the first law aimed at prohibiting gender-based pay discrimination, according to the National Committee on Pay Equity; and,

WHEREAS, in August of 2016, Massachusetts became the first state to enact a law prohibiting employers from seeking or requiring a prospective employee's wage history; and,

WHEREAS, since women are paid on average lower wages than men, basing wages upon a worker's wage at a previous job only serves to perpetuate gender wage inequalities and leave families with less money to spend on food, housing, and other essential goods and services; and,

WHEREAS, salary offers should be based upon the job responsibilities of the position sought and not based upon prior wages earned by the applicant; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina this ____ day of _____, 2019 that the Human Resources Department shall enact a fair chance policy and prohibit inquiry into conviction history information or wage history information on all City employment applications unless required by state or federal law; and,

BE IT FURTHER RESOLVED, that the City shall make a good faith determination as to which specific positions of employment are of such sensitivity that a background check is warranted or are required by law; and shall conduct background checks for these positions only; and,

BE IT FURTHER RESOLVED, if it has been established that a position requires a background check, the City shall not conduct the check until after the applicant has been provided a conditional offer of employment; and,

BE IT FURTHER RESOLVED, the City shall not use or access the following criminal records in relation to a background check: records of arrest not followed by a valid conviction, sealed, dismissed, or expunged convictions, misdemeanor convictions where no jail sentence can be imposed, and infractions; and,

BE IT FURTHER RESOLVED, that the City shall consider job-related convictions taking into account the length of time since the offense occurred, such that no person shall be disqualified from employment, solely or in part because of a prior conviction, unless it is a job-related conviction; and,

BE IT FURTHER RESOLVED, that if an applicant has been convicted of an offense that is directly related to the position sought, the Human Resources Department shall notify the applicant and conduct an individualized assessment that permits the applicant to submit information regarding inaccuracy of the record and evidence of mitigation or rehabilitation, as appropriate; and,

BE IT FURTHER RESOLVED, the Human Resources Department shall have the ability to conduct an audit and submit a report to the City Council which will review the City's hiring practices in an effort to ensure that people with records are not unreasonably denied employment with the City; and,

BE IT FURTHER RESOLVED, that the City urges private employers and government contractors to adopt fair hiring practices that encourage the rehabilitation and employment of people with records; and,

BE IT FURTHER RESOLVED, that the City shall not inquire about a prospective employee's wage history, require disclosure of wage history, or condition employment or consideration for an interview or employment on disclosure of wage history, or retaliate against a prospective employee for failing to comply with any wage history inquiry or for otherwise opposing any act made unlawful by this resolution or subsequent related ordinance; and,

BE IT FURTHER RESOLVED, that the City shall not rely on the wage history of a prospective employee from any current or former employer of the individual in determining the wages for such individual at any stage in the employment process, including the negotiation or drafting of any employment contract, unless such applicant knowingly and willingly disclosed his or her wage history to the employer, employment agency, employee, or agent thereof; and,

BE IT FURTHER RESOLVED, that this prohibition on inquiries into wage history shall not apply to any actions taken by an employer, employment agency, or employee or agent thereof, pursuant to federal, state or local law that specifically authorizes the disclosure or verification of wage history for employment purposes.

Requested by:

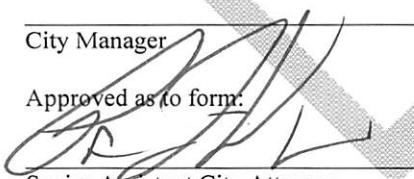
Mayor Benjamin

Mayor

Approved by:

City Manager

Approved as to form:



Senior Assistant City Attorney

ATTEST:

City Clerk

Introduced:

Final Reading:

RESOLUTION NO.: R-2019-059*Adopting a Policy and Criteria to Apply Richland County's Commercial Development Tax Credit for Developments within the City of Columbia*

WHEREAS, the City of Columbia desires to adopt a policy and criteria to apply Richland County's Commercial Development Tax Credit for developments within the City of Columbia, as they have been identified as a desirable location for commercial development and receive frequent requests from commercial developers desiring to locate within the City of Columbia that are unable to do so due to certain cost barriers, one being property tax costs in Richland County; and,¹

WHEREAS, Richland County Council has adopted a Commercial Development Tax Credit Policy whereby qualifying commercial developments will receive an assignable, annual property tax credit subject to a six (6%) percent assessment rate. The maximum property tax credit percentage and term available to a qualifying commercial development under the policy is fifty (50%) percent and ten (10) years, respectively, and the dollar value of the property tax credit benefit cannot exceed expenditures made by developers on public infrastructure; and,

WHEREAS, the eligibility of a commercial development will be considered on a case-by-case basis and the receipt by a commercial development within the City of Columbia of a property tax credit will require approval by public hearing of both the City of Columbia and Richland County Councils pursuant to an ordinance duly enacted by each body. The ordinances before each body shall include the specific credit percentage and term applicable to the subject commercial development which will be determined by Richland County Council and City of Columbia Council, in their sole discretion, based on the facts and circumstances of the subject commercial development; and,

WHEREAS, to be considered for the property tax credit, a representative must complete by December 31, 2022, a Request for Consideration of Credit Application ("Application"), which will require, in addition to other details about the commercial development, a pro forma illustrating the expected costs and profits of the commercial development, and submit the Application to the Economic Development Departments of both the City of Columbia and Richland County. The City of Columbia Economic Development Department, City Council Economic Development Committee, Richland County Economic Development Department and the Richland County Council Economic Development Committee each shall review the Application and, if warranted, make a recommendation to the City of Columbia Council and Richland County Council with respect to the receipt of the property tax credit and the applicable credit percentage and term; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina this ____ day of _____, 2019, that it hereby adopts a Policy and Criteria to Apply Richland County's Commercial Development Tax Credit for Developments within the City of Columbia which shall be evaluated based on the following criteria:

1. The type and nature of the public infrastructure provided at the commercial development or by the developer within the City of Columbia.
2. If the commercial development includes a residential component, whether any of the residential units are made available for use as affordable or workforce housing.

¹ The property tax costs for new investment is greater because property taxes are based on the purchase/fair-market value of the property. In contrast, the property tax costs for older investments are based on historical assessed values, which are often lower than the market value of the property.

3. The total amount of expected taxable investment at the commercial development over a five (5) year period, which must not be less than Thirty Million and No/100 (\$30,000,000.00) Dollars.

4. Whether the benefits of the commercial development to the public exceed the costs of the property tax credit as shown by a cost/benefit analysis.

5. Such other factors as the City's Economic Development Department staff and the City Council Economic Development Committee deem relevant.

At the end of the initial term, the property tax credit may be renewed for an additional ten (10) years at the discretion of Columbia City Council and Richland County Council.

Requested by:

Assistant City Manager Gentry

Mayor

Approved by:

City Manager

Approved as to form:

ATTEST:

Deputy City Attorney

City Clerk

Introduced:

Final Reading: