

TO: County Council, via bwalsh@co.laurens.sc.us
FROM: Katrina Fay, Laurens County resident kat_fay@ymail.com
SUBJECT: A. County Council performance issues – preliminary review
B. FOIA request
DATE: October 1, 2012

KFA

Council:

As I mentioned during my presentation in the public meeting on September 11, I am providing you further input in areas for which you are not meeting minimum performance standards. You can find further references and details at my website, http://laurenscountycitizenswatch.com/boss_investigations

Thank you in advance for efforts to improve performance as a public servant responsible for conducting the public's business according to directions embodied in law.

A. Performance Issues – preliminary review

I. Summary references of selected minimum performance requirements. (NOTE: Supporting legal and fundamental business references are omitted. It is presumed Council members know how to access aforementioned references).

- a. Accountability: answerable for accomplishing a goal or assignment
<http://www.opm.gov/perform/articles/2001/win01-6.asp>
- b. Establishing and maintaining linkages to stakeholders. "The stakeholders are the individuals, groups, and organizations that are affected by or have an interest in the activities, functions, and policies of the county... The council's first allegiance should be to the stakeholders. Every council should periodically undertake a stakeholder analysis process."¹
- c. Providing policy leadership. Council governs and provides leadership through the articulation of policies for the county... The six essential policy areas are as follows:

- 1. Community vision – not reviewed at this time.
- 2. Organizational mission – not reviewed at this time.
- 3. Governing values – not reviewed at this time.
- 4. Limits of the Chief Administrative Officer (CAO) authority. Policies in this area set the boundaries for the CAO and the staff. They reflect the council's values. At a minimum, the council will want the county's business to be carried out in an effective, prudent, and ethical manner. Council may set limits on indebtedness, state that there can be no tax

¹ *A Handbook for County Government*, South Carolina Association of Counties

increase, or specify that they do not want to provide a specific type of service. These policy statements can be regarded as detailing limits on the means the CAO and staff can use to achieve the ends (mission and vision) council has articulated. It would be virtually impossible for the council to define all the actions it would allow the CAO to take and all the activities in which it would allow him or her to participate.

Therefore, it makes more sense to define the boundaries within which the council expects the CAO to operate.

5. Council staff relationships. The role of the council is to set the vision and mission, establish the values of the organization, and ensure they are carried out through the CAO. The council takes care of the "what" and addresses governance issues. The role of the CAO is to manage the day-to-day operations of the county. He or she handles how the organization accomplishes its goals within the boundaries set by council.

6. Governing process conducting council business.² - not reviewed at this time.

II. Starting point – performance metrics.

a. Accountability

- i. Respond to FOIA requests with documents. Responding with narrations asserting County policy that hasn't been set by the Council damages trust and is non-responsive.
- ii. Set S.M.A.R.T³ goals and publish progress towards those goals.
 1. Goal: Post agendas and meeting minutes on the County website. This is not Ms. Walsh's issue. She is not responsible for Council policy
 2. Goal: Post ordinances. Provide indexing so citizens can find what they need by subject.
 3. Goal: Post County policies, SOPs, and other basic business documents. Demonstrate the Council manages County business by business approach.
 4. Goal: Stakeholder analysis task (see below item b.i).

b. Linkages.

- i. Plan a task to develop formalized stakeholder analysis process.
- ii. Establish formalized methodology for citizen input such as Citizen Corner on website. Put request for input, establish categories, then track and monitor. Take data, act on data. For instance, if there are lots of questions/complaints on how property taxes are assessed, you can post answers; refer to South Carolina 2012 Property Tax Book, or host a public meeting with presentations from Tax assessor.

² Ibid

³ Standard business acronym: <http://www.goal-setting-guide.com/goal-setting-tutorials/smart-goal-setting>

- iii. Improve citizen access to information that is personally relevant (see item a above).
- c. Policy leadership (sub items 4 and 5)
 - i. Develop County policies in these two areas. Post these policies. Demonstrate a record the County Administrator executes tasks according to Council direction.
 - ii. Post and establish a policy that forbids personal dictation of County positions that haven't been authorized by vote. Asserting County policy, position, or decision by personal announcement of one member is a violation of legislative authority and ethics.

III. Documents remaining undisclosed to my prior FOIA request.

During the County Council meeting on September 11, Chairman Coleman asserted a County position that HTYRA's non-compliance with the County lease is acceptable practice, and, Mr. Martin's private use of HTYRA revenue is not a concern of the County. Following the public meeting, the Laurens advertiser reported County Administrator asserted the County decided to establish a facility at Hickory Tavern Park. These assertions demonstrate failing performance in accountability, policy leadership, and stakeholder linkage.

I did not receive any documentation of any Council decision to exempt HTYRA from meeting the terms of the lease. I did not receive any documents of the County's decision to delegate Mr. Segars decisional authority to enter a PARD agreement and make other decisions such as type of facility and amount of County funding to spend on HTYRA's property improvement. I didn't receive any documentation of the County's decision to exceed County spending by funding repairs to the buildings and fencing beyond lease paragraph 5(a) limiting County spending to mowing and utilities. A record of meeting minutes of the Council's deliberations, and vote, on the decision to establish a recreational facility on the Hickory Tavern Facility was not disclosed.

Pursuant to my previous FOIA request, please make the records of the aforementioned County decisions available to me. Include any documented policy that forms the basis for the public assertions of Chairman Coleman and Administrator Segars.

B. New FOIA Request

Per the S.C. Freedom of Information Act, please have the following records available for my review. I am not requesting copies at this time. Please be advised a narrative opinion of the responder is not responsive as a County document. Only the County Council has authority to direct policy for the County. If the Council's policy is that the County Administrator can make certain policy decisions, please have this policy available for review.

FOI

1. Bank records, receipts, contracts of sale, receipts for attorneys fees; all records of expenditure of the approximately \$272,000 Ordinance 669 funds disbursed about September 2011 from the County Treasurer to County Attorney.
2. Job description for the County Administrator position.
3. County policies, ordinances, etc. relating to contract management of County leases whereby the County is the lessor and another person is the lessee, such as monitoring of lease payments; criteria to allow lessee to suspend payment, criteria as to which County bank account monies go into, who collects the money, and any other documents pertaining to County administration of these leases
4. Any S.O.P.'s, policies, procedures as to how the Council measures the performance of the County Administrator, such as period of reviews, tracking of contracts, and any other metrics the Council uses.
5. Documents describing the County Attorney's job description, role, and duties.
6. Documents indicating the scope of the County Attorney's duties; policies describing how the County Administrator: hand assess County Attorney performance
7. List of County bank accounts, escrow accounts, expense accounts, County provided credit cards (credit card number may be omitted), County vehicles, and any other county provided resources the County Administrator is provided by the County.
8. SOP's, Policies, Ordinances, etc. setting forth employee responsibilities, handling, procedures for employee accountability, and all other direction to the County Administrator on his handling of the above named resources provided to him by the County.
9. SOP's, policies, ordinances, etc. on County policy on the provision of credit cards, vehicles, expense accounts, and other publicly funded resources, to county members.

Thank you for your time.

Sincerely,


Katrina Fay