

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
MARCH 10, 1998, 11:00 A.M., COUNCIL CHAMBERS

The Meeting was called to order by Chairman, Charles Cross at 11:00 A.M.

MEMBERS PRESENT: Centilli, Cox and Cross.

MEMBERS ABSENT: None.

OTHERS PRESENT: Attorney Hamilton and G. Webster, City Clerk.

PURPOSE OF THE MEETING: DISCUSSION AND POSSIBLE RECOMMENDATIONS
CONCERNING THE FOLLOWING ITEMS:
1. ATTORNEY RESOLUTION

PRESENTATION:

Attorney Hamilton reviewed the previous history involved with his liquor license and the pending resolution request by the Michigan Liquor Control Commission. Mr. Hamilton referred to several correspondence from the Liquor Control Division. (See memos attached.) He said a recent amendment to Senate Bill No. 682 Section 18, signed January 2, 1998 stated, it is not in violation of the act to be a City Attorney and prosecute local ordinances. However, he is not eligible to enforce State Liquor Control cases. This would not be a problem for Burton, because local attorneys do not handle these cases. They are handled through Prosecutor Bushe's office. Basically this resolution reaffirms to the State that Mr. Hamilton would not be responsible for enforcing the Michigan Liquor Control Act.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh, commented on a recent article similar to this case. She was aware there was a pending amendment in relation to the Liquor Control Act. She wanted to know if Mr. Hamilton was satisfied with sharing duties with Mr. Austin.

Mr. Hamilton would like the duties of City Attorney to return to the former September 1996 status. He could then handle penal and civil functions. Both attorneys would still be able to handle either cases.

Mrs. Dargel wanted to know if Mr. Hamilton returned to the same status, would he be addressing cases involving liquor applications or transferring of liquor licenses.

Mr. Hamilton said if there was a conflict of interest, it would be customary to refer those matters to an independent counsel, just like any other conflict situation.

COMMITTEE DISCUSSION:

Mr. Cox asked Mr. Hamilton if there was anything pending currently with the Liquor Control and why they are asking for this resolution.

Mr. Hamilton said all issues have been dismissed. He has not had any state law violations at his business. However, he still needs to provide a Council resolution stating that he does not enforce the Michigan Liquor Control Act.

Mr. Cross said the Liquor Control Division wants this in writing.

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Mr. Hamilton said he never had the authority to enforce the State Liquor Control Act. He suggested the State might not understand the scope of his duties as City Attorney. He thinks it is better just to submit the resolution than give further explanation of his duties.

Mr. Cross spoke with Nancy Piggush and Mary Pride from the Liquor Control Division in reference to this matter. He was sent Senate Bill No. 682, Section 18 and they are awaiting the pending resolution on the State Liquor Enforcement.

Mr. Cox asked Mr. Hamilton if that was the intention of the resolution.

Mr. Hamilton said the State has requested the resolution stating he would not enforce the Michigan Liquor Control Act. Also, this would nullify the earlier resolution separating the powers of enforcement of the civil and penal cases. There is no reason he could not enforce both functions.

Mr. Cross read the Legislative Committee recommendation as offered by Mr. Hamilton. He questioned why the Council president would sign the resolution instead of the Mayor.

Mr. Cox said resolutions have been signed by Council members in the past.

Mr. Hamilton said it was not significant. That portion could even be removed or changed.

There was an agreement that the resolution would be recommended to Council March 16, 1998, as written.

COMMITTEE RECOMMENDATIONS:

Centilli moved and Cox seconded the following motion:

Approve and authorize the recommendation of the Legislative Committee to send to the full Council on March 16, 1998, the following resolution:

Resolution of the City of Burton

At a session of the City Council of the City of Burton, Genesee County, Michigan, held on the _____ day of March, 1998, at the City Council Chambers, it was

Resolved, that Richard A. Hamilton, be and hereby is authorized to perform all duties and functions provided for the office of City Attorney in the City Charter of the City of Burton, however, he shall be prohibited from enforcing the State of Michigan Liquor Control Act, MCL 436.1 et al.

Motion carried 3-0.

Meeting Adjourned at 11:30 A.M.

Gayle Webster
City Clerk