

CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
FEBRUARY 21, 1990, 6:00 P.M., COUNCIL CHAMBERS

This Legislative Committee Meeting was called to order at 6:00 P.M. by Charles Smiley, Chairman.

Members Present: Smiley, Walls and Card.

Members Absent: None.

Others Present: Mayor, Jane L. Nimcheski; A. James, Administrative Assistant; K. Collard, City Administrator; H. Clark, Police Chief; R. Hamilton, City Attorney; S. Perez, Purchasing Agent; C. Cross, Council President; C. Abbey, Councilman and W. Walworth, City Clerk.

PURPOSE OF THE MEETING: To discuss appointment procedures on Non-Charter, Non-Union positions, including residency, and any other matters that might arise.

PRESENTATION:

Mr. Smiley indicated that there were 7 non-union non-chartered positions and 6 chartered positions in the City. He wanted Council to approve all administrative positions recommended by the Mayor. He said the Charter contradicts itself on making appointments.

AUDIENCE PARTICIPATION:

John Stapish 5160 E. Atherton wanted an ordinance to redefine administrative officers. Mr. Hamilton said the Council cannot redefine the Charter by ordinance.

Fred Perkins 4349 Woodrow wondered if the people who drew up the Charter didn't foresee the problem and that is why they put in the heading for Section 6.2. Mr. Hamilton said headings have no meaning per Section 1.7.

Police Chief Clark asked if the Council was also looking at four votes to discharge members of that group. Mr. Smiley said yes.

COMMITTEE DISCUSSION:

Mr. Hamilton said that the Police Chief wanted him to draft an ordinance to make it a misdemeanor to use a false i.d. to enter a liquor establishment or purchase liquor. The Chief also wanted an ordinance to make it a civil infraction for no proof of insurance.

Mr. Hamilton said that a residency requirement could be enacted for certain positions if applied fairly but that union positions would have to be addressed in the collective bargaining process.

He said that the important points in the charter as to the powers of the Mayor and Council is Section 4.5 items a and i which designate the Mayor as the "chief executive officer" and "chief administrative officer". He said the authority of the Council could be limited by the powers invested in these titles. He told the Committee that he was unable to give them direction until he had researched our state rulings and might need to look at states like Ohio and New York for a clearer interpretation.

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He said that the Mayor has had 100% power to employ since we became a City and 75% of the power for Administrative Officers. The issue is "Can the Council modify the 100% power of the Mayor?".

Mr. Smiley wants input from the the committee and the Mayor. The Mayor asked for a clarification of the positions they are looking at and the residency requirement. She expressed concern about the actions of the committee and their attempt to restrict future administrations of the City. She also noted that if they lock in these positions then another administration would also be locked into them. She said that all administrative department heads should be included in any residency requirement they might write.

Mrs. Walls said that if the positions are not named in the charter then they cannot be treated like the other officers. Hamilton said that is what he plans to find out.

Mr. Card said he only wanted to deal with the positions of City Administrator, Personnel Director and Assistant Fire Chief.

The clerk was asked if the Charter Commssion minutes were on file. He said he thought they were micro fiched.

COMMITTEE RECOMMENDATIONS:

Card moved and Walls supported the following motion:

Direct the Attorney to prepare the two ordinances recommended by the Police Chief and bring back to the total Council.

Carried 3-0.

Mr. Smiley set a Legislative Committee meeting for March 6, 1990 at 5:00 PM in the Council Chambers to continue the discussion on residency and appointing positions after the Attorney has researched the issues.

Meeting Adjourned at 7:35 P.M.

Respectfully Submitted,

William R. Walworth,
City Clerk

WRW/cml