

## **LEGAL AND LEGISLATIVE COMMITTEE**

**June 6, 2000**

**5:15 P.M.**

The meeting of the Legal and Legislative Committee was called to order by Councilman Crockett, Chairman, with Councilmen Franklin, Taylor, Hurley, Hakeem, Pierce, and Rutherford present. City Attorney Randall Nelson and Shirley Crownover, Assistant Clerk to the Council, were also present. Adm. Traughber was present.

### **PERSONNEL HEARINGS**

Chairman Crockett stated that this issue involved Personnel Hearings and how we are hearing them now; that he had asked Randy Nelson when we had to do this; that Sheila Harris was part of the Police Review Board; that a Review Board is something the County has, and they will be glad to come and explain theirs to us; that they have a seven-member Board; the Commission appoints four members and three are appointed by the County Executive. He stated that this Board heard appeals, and it might be appropriate to have Rheubin, Sheila, Pat Hyde, and Mr. Miller, who is the County Personnel Director, to come here and talk about what they do. He mentioned that at first, Rheubin said he and Paul were against this, but it has worked, and they would be glad to come here or the Councilmembers could talk individually to Rheubin. He stated that it might work for us; that they had created this Board, and it worked well, and the Commission has been happy with it. Chairman Crockett went on to say that we could allow either a seven or nine member Board to be either a person whom a Councilmember appoints or the Councilmember himself; that this would be a Personnel Review Board. He emphasized that a Councilmember could appoint his or herself.

Attorney Nelson stated that the Council could do what they wanted; however it would have to be a Charter change; that we would have to keep the Board static, and there might be a problem if a Councilmember is a member of the Board and wants to sit on some cases but not on others. Chairman Crockett explained that the terms rotate, and if a person signed up, they would be on the Board two years. Attorney Nelson stated that the Councilmember would have to make that commitment.

Councilman Pierce stated that there was no comparison between our hearings and the County's hearings; that we already have a problem with our Board appointees and having people present at Board meetings; that this is now the Council's obligation by Charter, and he felt it was the Council's obligation to sit in on these hearings; that we had now gotten down to where just three members attend, and we had had no problems in the last few years; that he had trouble getting Board members and questioned "if it was not broke—why fix it?" He reiterated his problem of getting people to serve on Boards.

Chairman Crockett explained that what he was talking about would let all of the Councilmembers who felt they needed to be at the table to be there—that they would have this opportunity; that he thought as hard as we tried, it was difficult to not let politics creep in around the edges; that the Councilmembers did a good job last night.

Councilman Pierce stated that he quit sitting on these panels because of the politics; that he witnessed the hearing last night, even though he was not on the panel; that it is different when you just sit and listen than when you are making a decision.

Chairman Crockett again stated that he thought we had done a good job as a Council in hearing these cases, but he could feel the political “tingles”.

Councilman Pierce stated that he thought it would be more appropriate for someone else to raise this issue rather than Chairman Crockett; that he did not know his intentions as far as running again for this Council; that he, himself, intended to run again; that the ones left here on the Council should make this decision, and there could be a whole new Council.

Councilwoman Rutherford stated that she had not seen politics in our hearings; that she felt a real responsibility when she sat in on hearings, and she was not sure she could appoint someone who would feel as much responsibility as she did; that she did not want someone else taking this responsibility and would not be in favor of turning this responsibility over to others; that it had worked for us.

Chairman Crockett stated that he thought this was a good point; that the Council had done a good job, and some cases were hard to decide. He stated that he did not have the experience of a Pat Hyde, who does this for a living. He mentioned a case that he had sat in on, where he scratched his head as to whether he had made the right decision, and he had questions as to whether this person should be on some program.

Councilman Franklin stated that he could have done follow-up on the case Chairman Crockett was referring to. He stated that after last night’s hearing that the panel could not have worked better together; that he was closely related to the defendant, and he knew now that he could be very, very objective even under those circumstances; that he was fine with this.

Chairman Crockett stated that the point was not how good the Council had done, that the only question he had was that he thought there would be some consistency to having a Review Panel away from the Council; that there would be three levels.

Councilwoman Rutherford stated that we really had three levels now—the department head hears the complaint, and then the Mayor has heard it before it gets to the Council—that the Council **is** the third level, and she stated she was in favor of leaving it as we are.

Councilman Hakeem questioned talking about politics. Chairman Crockett stated that politics was not the main issue.

Councilwoman Hurley stated that she agreed with Chairman Crockett in the abstract—that this is the way to do it; that she realizes that it is hard to get people to serve on Boards; that last night's hearing was extremely difficult, and they were here until 12:30 A.M.; that not too many people would want those hours. She stated that this was the wrong time to do this; that clearly the Council could take a different form, and that would be a better place to do this. She stated that she saw both sides of the issue.

Chairman Crockett stated that he could see both sides, too.

Councilwoman Hurley stated that there was pressure on them last night; however not political pressure; that she, herself, goes to meetings of the Variance Board and tries to put pressure on them; that the Board will listen to her, or any other Councilmember, but they will do what they want to do legally; that a Personnel Board would listen to the attorney.

No vote was taken. Chairman Crockett indicated that this was just a discussion session.

The meeting adjourned at 5:30 P.M.