



City of Grand Island

Tuesday, June 26, 2012

Council Session

Item F2

#9389 - Consideration of Amending Chapters 2 and 12 of the Grand Island City Code to Require City Council Approval of Future Appointments of Police and Fire Chiefs

Staff Contact: Robert J. Sivick, City Attorney

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: June 26, 2012

Subject: Amending Chapters 2 and 12 of the Grand Island City Code to Require City Council Approval of Future Appointments of Police and Fire Chiefs

Item #'s: F-2

Presenter(s): Robert J. Sivick, City Attorney

Background

As a City of the First Class as defined under Nebraska law, the City of Grand Island is governed by the provisions of Chapter 16 of the Nebraska Revised Statutes.

Neb. Rev. Stat. §16-308 sets forth appointive or statutory officers for Cities of the First Class. Those officers consist of the Administrator, Attorney, Treasurer (Finance Director), Engineer (Public Works Director), and Clerk. Those officers are appointed by the Mayor with the approval of the City Council. Grand Island City Code (Code) §2-30 mirrors the State statute cited above.

Presently the positions of Police Chief and Fire Chief are appointed by the Mayor without Council approval.

Discussion

The proposed ordinance amends three sections of the Code that if approved in their amended form would require the mayoral appointment of a Police and/or Fire Chief be approved by the Council.

If passed, this ordinance would only affect the appointment of future Police and Fire Chiefs.

Alternatives

It appears the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the proposed amended Ordinance.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Sample Motion

Move to approve Ordinance No. 9389 amending certain provisions of Chapters 2 and 12 of the Grand Island City Code regulating the appointment of the Police Chief and Fire Chief.

ORDINANCE NO. 9389

WHEREAS, the Grand Island City Council has decided to amend certain provisions of Chapters 2 and 12 of the Grand Island City Code, its laws regulating the appointment of the Police Chief and Fire Chief,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

I. That §2-17 of the Grand Island City Code be amended to read as follows:

§2-17. Mayor; Additional Powers; Duties

In addition to the foregoing powers and duties, the mayor shall:

(1) Appoint and remove, with approval of the city council, all statutory officials; appoint with the approval of the city council, the Police Chief and the Fire Chief; appoint, remove, correct, or discipline all other hired officials and subordinate employees in the departments in both the classified and unclassified service, which appointments shall be upon merit and fitness alone pursuant to the personnel rules, and in the classified service all appointments and removals shall be subject to civil service requirements.

(2) Appoint all members of advisory boards, commissions, and committees established by ordinance or action of the council, subject to council approval.

(3) Have the power to grant reprieves and pardons for all offenses arising under the ordinances of the city after conviction to remit fines and forfeitures.

II. That §2-31 of the Grand Island City Code be amended to read as follows:

§2-31. Hired Officials

The officials set forth below shall be hired officials which shall be selected for employment by the city as set forth in the personnel rules and regulations. All of the hired officials shall be subject to the personnel rules of the City of Grand Island as adopted by resolution. The personnel rules are supplemental to the civil service rules for the officials set forth in subparagraph (B) who shall be appointed by the Mayor with the approval of the City Council, and supplemental to the terms of interlocal agreements pertaining to the officials set forth in subparagraph (C) below.

(A) The following shall constitute the general officials of the City of Grand Island:

Building Department Director
Human Resources Director
Library Director
Parks and Recreation Director
Utility Director

(B) The following shall constitute the officials subject to the civil service rules of the City of Grand Island:

Fire Chief
Police Chief

(C) The following shall constitute the interlocal officials of the City of Grand Island:

Emergency Management Director
Planning Director

III. That §12-2 of the Grand Island City Code be amended to read as follows:

§12-2. Appointing Authority

The appointing authority of the City of Grand Island for the positions of Police Chief and Fire Chief is the

Approved as to Form	☐ _____
June 26, 2012	☐ City Attorney

ORDINANCE NO. 9389 (Cont.)

Mayor of the City of Grand Island with the approval of the City Council. The appointing authority for all other positions is the Mayor of the City of Grand Island.

IV. Any ordinances or parts of ordinances in conflict are hereby repealed.

V. This ordinance shall be in full force and will take effect from and after its passage and publication pursuant to law.

Enacted: June 26, 2012.

Jay Vavricek, Mayor

ATTEST:

RaNae Edwards, City Clerk