



City of Grand Island

Tuesday, July 10, 2012

Council Session

Item F1

**#9390 - Amending Chapter 2 of the Grand Island City Code to
Require City Council Approval of Future Hires of Certain
Department Directors**

Staff Contact: Robert J. Sivick, City Attorney

Council Agenda Memo

From: Robert J. Sivick, City Attorney

Meeting: July 10, 2012

Subject: Amending Chapter 2 of the Grand Island City Code to Require City Council Approval of Future Hires of Certain Department Directors

Item #'s: F-1

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 (City) 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.

At the June 26, 2012 meeting of the Grand Island City Council (Council) Ordinance No. 9389 was approved. That ordinance required Council approval of future Police and Fire Chiefs hired by the Mayor.

Presently all other City Department Directors are hired by the Mayor without Council approval.

At the June 26, 2012 Council meeting a Motion to Amend Ordinance No. 9389 was offered which would have required that additional Department Directors be hired with Council approval. That Motion was withdrawn due to concerns regarding the Nebraska Open Meetings Act's provisions requiring sufficient notice to the public.

This Ordinance reflects City staff's effort to comply with Council direction as set forth at the June 26, 2012 meeting.

Discussion

The City has three Department Directors who are subject to the authority of public bodies other than the Council. They are:

1. Regional Planning Director

This Director not only carries out planning duties for the City but the City of Wood River, the Villages of Alda, Cairo, and Doniphan and Hall County. His appointment is subject to Part 3, paragraph 7 of the 1974 Interlocal Agreement creating the Regional Planning Commission. I believe to require this hire be approved by Council would require revision of the Interlocal Agreement and the acquiescence of the parties to that agreement.

2. Emergency Management Director

This Director is subject to the Interlocal Agreement between the City and Hall County regarding joint emergency management services. I believe to require this hire be approved by Council would require revision of the Interlocal Agreement and the acquiescence of Hall County.

3. Library Director

This Director is subject to Article 2, Chapter 51 of the Nebraska Revised Statutes which authorizes library boards to appoint librarians. I believe to require this hire be approved by Council would require the Legislature to amend the relevant statutes.

Accordingly, the proposed ordinance will only require Council approval for future hires of the Directors of the following departments: Building, Human Resources, Parks and Recreation, and Utilities. Each of these Department Directors will continue to be subject to the City Personnel Rules.

Alternatives

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

1. Move to approve the proposed 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. 9390 amending Chapter 2 of the Grand Island City Code regulating the appointment of certain Department Directors.

ORDINANCE NO. 9390

An ordinance to amend Section 2-31 of the Grand Island City Code, regulating the hiring of certain Department Directors, and to provide for publication and the effective date of this ordinance.

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

SECTION I. Section 2-31 of the Grand Island City Code be hereby 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. The officials listed in subparagraphs (A) and (B) shall be hired by the Mayor with the approval of the City Council. The length of service of all the officials listed below shall be indefinite. The discipline and/or removal of the officials listed in subparagraphs (A), (C), and (D) shall be governed by the City's personnel rules. The discipline and/or removal of the officials listed in subparagraph (B) shall be governed by the City's personnel and civil service rules.

(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:

Approved as to Form	by _____
July 6, 2012	City Attorney

ORDINANCE NO. 9390 (Cont.)

Emergency Management Director
Planning Director

(D) The following shall constitute the official subject to the provisions of Article 2, Chapter 51 of the Nebraska Revised Statutes pertaining to libraries:
Library Director

SECTION II. Any ordinances or parts of ordinances in conflict are hereby repealed.

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

Enacted: July 10, 2012.

Jay Vavricek, Mayor

ATTEST:

RaNae Edwards, City Clerk