

**Troy City Special Meeting No. 2**  
**Council Chambers**  
**June 23, 2011**  
**7:30 pm**

The meeting came to order at 8:10 pm. Present: Mayor Don Banning, Council: Phil Fisher, Fran McCully, Gary Rose, and John Clogston, City Attorney Charles Evans, and Deputy Clerk Tracy Rebo.

**GUESTS:** Linda Rose, Janine Price, Robert McLeod, Sandi Sullivan, Dennis Dupuis, Jayne Brown, Jeffrey Rebo, Susie Taylor, Clinton Taylor, Scott Sullivan, Ron Rebo, and Joe Arts.

**APPOINT CITY CLERK/TREASURER:** Mayor Banning presented Council with his appointment of Tracy Rebo to City Clerk/Treasurer. Fran McCully made the **Motion** to accept appointment and Gary Rose seconded. Discussion: John Clogston asked the Mayor if there were other applicants. Banning answered; there is one finalist chosen to be Clerk/Treasurer. Phil Fisher asked why Council hasn't seen the applications. Evans answered; MMIA advised that there may be a problem with confidentiality, and by letting their names known, it may open the City to liability. There were 21 applications, but there was an issue with regard to a residency ordinance, Ordinance No. 263. It requires the city officers be a resident of the City of Troy for two years prior. All of the applicants except four were not residents; of those four, Rebo is one of them. Evans asked Mayor Banning to explain why he selected Rebo as the most qualified. Banning explained the personnel policy states how to promote and hire employees, and the first step is to hire the most qualified from within the department. Evans included the Mayor has asked Job Service to do an evaluation of the four qualified. Rebo had received a ten on a scale from one to ten in almost every category. The other candidates ranked considerably lower. Mayor Banning added that Rebo is the only one of the applicants that is certified by the State as a Clerk/Treasurer. Evans added that she is the only applicant that has governmental accounting experience. Discussion was held on Ordinance 263 Defining Municipal Officers. Evans stated the question is, whether we are going to perpetuate a mistake that has been made in the past or follow the ordinance. Fran McCully added or whether we can amend or change the ordinance. Evans stated it is too late to amend it with regards to this particular series of applications. I think you need to keep in mind what the purpose was for the ordinance. McCully stated she tried to review the intent on why the ordinance was in place. Would the information still be there if it was re-codified? It was part of about twenty ordinances that were codified in 1973. McCully asked if we were to do anything different with the ordinance, would we have to start the advertising procedure again. Evans explained you would have to amend the ordinance, with two readings ten days apart and then a 21 day waiting period for a new ordinance to take effect, then the job opening could be re-advertised. It would take at least another month or month and a half. Mayor Banning stated the first appointment was done following the personnel policy, then it was voted on to go outside the department for applicants. Discussion followed. Mayor Banning called for Mayor Banning asked for a roll call vote on the appointment of Tracy Rebo as City Clerk/Treasurer. Fran McCully – No, John Clogston – No, Phil Fisher – No, Gary Rose – No. **Motion failed.** John Clogston added reasoning for his "no" vote was the fact he feels the Council should get to look at the other applications.

**PUBLIC COMMENTS:** Clogston would like the Council to be given a chance to make an informed decision. Evans said that in his legal opinion, he sees no reason why the Council cannot review the applications. Clogston said that Rebo would probably get my yes vote if I were able to make an informed decision. McCully questioned Banning you told the editor of the Western News that you were going to put this out to a committee. Banning replied that was not the intent when I said that. I said I could possibly appoint a committee but instead I thought I would sit down with the City Attorney that has an impartial view. Discussion followed. Sandi Sullivan asked Clogston if he would trust a committee or if he particularly wanted to be on the committee. Clogston answered he would trust a committee. Discussion followed. Evans suggested tabling the issue until getting a response back from MMIA regarding Council being considered privy to the private information. Evans doesn't think there is anything in the charter or statutes that say the council cannot review the applications. It does say that the Mayor makes the appointment and the Council approves it. What the Council is saying is, on the condition of their approval of the appointment, they would like to review the top applicants. Susie Taylor stated I don't understand how you can take it to Job Service, and ask them to look through the applications and grade them according to the qualifications, then not take their recommendation. Evans said that the council would like to review the applications as their condition of approval. Evans again suggested tabling the issue until getting word back from MMIA. Banning stated every time he goes to MMIA for advice, MMIA says to ask your City Attorney. More discussion followed regarding whether or not the Council is privy to the private information.

**ADJOURNMENT:** meeting adjourned at 8:15 p.m.

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Donald C. Banning, Mayor

ATTEST:

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Tracy Rebo, Deputy City Clerk/Treasurer