

**Troy City Work Meeting
Council Chambers
February 13, 2012
6:00 pm**

The meeting came to order at 6:00 pm. Present: Council President Phil Fisher; Council: Fran McCully, Joe Arts, and Crystal Denton, City Attorney Charles Evans, and Deputy City Clerk Sandi Sullivan.

GUESTS: Gary Rose and Linda Rose (left at 6:30)

CODIFICATION:

Fran McCully asked Evans if he had seen the information she gave him and asked if it would change the direction of the intensions for codifications. Evans stated that he had previously contacted the codifiers and the Business Order could be removed. Evans stated that the only thing he sees in this information is not to include non-ordinance materials.

Phil Fisher questioned the first paragraph.

Evans asked if any Council members had e-mails from him to the codifiers. He said he didn't ask the codifiers to include policy. He only sent them the policy for an example if they wanted to include it.

Crystal questioned the Charter as not being an ordinance, so why is it included. Evans advised that the Charter is the law. He said the codifiers weren't aware of the City having a Charter.

Evans explained the introduction to the codes. Evans also explained the definitions.

Evans explained an ordinance will be written to adopt the code book that repeals all changes.

Evans asked to have new definitions included to make it easier to understand for citizens as they hope to have the codes on the website. Phil Fisher stated; we already have definitions so adding more would be ok.

Evans went over wording, correcting the language. He recommended dividing "Property" into two definitions. He said that "Order of Business" should be changed to be consistent to policies. He said they could leave it out, but it may be helpful for people to understand. Crystal Denton asked what was being taken out. Evans explained that new Rules and Regulations have been adopted to replace. McCully stated that she would like it left out.

Evans asked Council if they wanted the meeting times to be set in the ordinance. McCully stated that things change. Fisher said to leave it out. Denton asked why take it out. Evans explained that it was put in by ordinance. Denton suggested leaving it in but state that they will be done according to policy because policy changes. Evens explained that by state statute, re-codifying has to be done every 5 years and explained that there are two ways to codify; 1. Mayor, and 2. Council.

Evans asked permission from Council to take their questions, put them into words and present it back to council.

McCully asked; so we are not using the attorney version on 1-6-2 B. Evans explained that it is a continuation not two different versions. Evans said the numbers and sections are wrong. The codifiers will have to re-number sections and sub-sections. Evans used the green code book for comparison. He showed that the format had been changed.

Council went over the Mayor description. Denton questioned if it should be included since it is policy and not Code. Evans answered that it is statute. Denton asked; why duplicate statute. Evans answered; it was already in the code book and not something I made up. Denton stated that it is already in the job description section. Evans stated; there are three forms of Government, there needs to be all three definitions of duties and that time they thought it should be in there to have duties. Denton stated; just because it was policy doesn't mean it had to be included.

Fisher stated; the Mayor and City Clerk went through and answered questions on whether to keep or omit. Evans recommended that "Powers and Duties of Council" should be added. There was discussion on how this codification came about. Evans advised that the past City Clerk was sent a questionnaire from the codifiers and didn't fill it out, so Tracy Rebo did in August of 2011. The codifiers sent back the first draft and the Mayor and Clerk answered the questions. Evans stated that he had sat down with the council for their changes.

Evans recommended not separating Mayor out, and instead, listed as an officer. Evans stated his feelings that it is disorganized. He stated; the codifiers aren't going to do extra work, they just type it. Denton stated; we should organize it then. Evans agreed. McCully stated; it's more powers and duties, not job description. Evans stated that attorney Jim Nugent said there have been several attempts to get the State Legislature to revise theirs, so there is not so much jumping around. McCully asked Evans how to combine sections 6 and 7. Evans suggested titling it City Officers, City Council, Mayor, and City Clerk Treasurer. Denton stated that she agrees with branching it out; Mayor, Council, Officers. Arts stated that all job descriptions are in the Charter but the powers of Council should be listed as much as the Mayor's is. Evans referred to his email saying Council should be listed. Evans explained the Charter is basic platform but doesn't go into detail. Denton asked when the last time the Charter was updated. Evans explained that it can't. McCully added; it would have to go to the people for change. Discussion followed.

Evans stated to Denton; codification is the organization of the Code Book and we can revise it any way we want. Denton answered; but we have to revise already approved ordinances. McCully stated; we have the leeway to reformat it, and the ordinance at the end accepts it. Evans stated; you can repeal them. Denton stated; but then you have to go through the process of repealing them. Evans explained; that is all part of the final ordinance adopted. McCully stated; we may have to do a couple draft tries.

Arts stated that the code book spells out the Mayor's duties and nothing for the Council. If it were spelled out, it would be more beneficial to everybody. Evans made note that it mentions the Chief of Police as an Officer, yet makes no mention

of his duties. Fisher stated; it's been broke down in sections, and must have been done by the Mayor and City Clerk. This section on officer employees has principal officers and one executive. They have it in the same, but in the other one, it refers to the MCA, but they wrote that the executive officers of the municipality are the Mayor, Chief of Police and the Clerk/Treasurer. He continued; in our MCA 7-4-4114 it states that the Mayor is the Chief executive officer of the City and Town. They shortened it down quite a bit. I thought the intension of this, when we were starting, was because of the laws, we were going to eliminate things that are repetitious to the state statute. Arts and Denton agreed to leave it like it was, stating to see the State Statute.

There was discussion regarding vacancy of office. Evans mentioned that it is addressed in the Charter 6.03. He suggested using what the Charter says and removing it from the code. It was Council's consensus to do so. 1-7-6 shouldn't be a separate section; it should be in the council section. It was consensus to move 1-7-6, 1-7-7, 1-7-8, and 1-7-9 to 1-6-2. 1-7-10 regarding Oath of Offices; Evans suggested that it was okay but should be after the Duties of Officers. 1-7-11 regarding bonds; Denton suggested putting in a sub-section under it example would be Requirements of Office. It was consensus that the Judge should be under employees. Evans stated that the City Clerk, Chief of Police and City Attorney are not mentioned in the new draft. It was in section 1-7 B in the old code book. It was consensus to put it back in. Denton asked if the duties of the City Clerk were set by code or statute. Evans answered; by Statute, 7-4-4501 and the City Attorney is 7-4-4604. The term of office for the City Treasurer is not applicable. Evans stated it is confusing because some places it refers to the Chief executive as the presiding officer and governing officer. McCully stated the governing body is the council. In 7-1-4121 regarding definitions; Evans stated that the definitions should be more defined. McCully stated that during her conversation with Magda Nelson from the State, Magda had conflicting definitions with MCAs herself. Evans continued; stating I don't have any problems with the City Court and City Judge other than they are not in the correct place.

Business Licenses; Evans explained that the definition in the city version keeps going on and on. Arts agreed that the city version is much longer than the attorney version. Evans stated that the attorney version is primarily taken from the city of Libby's for an example. Evans stated that the city version doesn't define what a business does. The third line down on the attorney version states: involving the sale of goods and services. That defines what a business does. Fisher agreed. McCully stated that in 3-1-6 in the attorney version references the Mayor having the right to refuse to issue a license but in the city version it references the Council having the right. It was suggested to use the attorney version but add "unlawful activities" from the city version. Denton stated that she liked the city version. Evans suggested taking the city version and replace 3-1-6 with the attorney version. Evans would like to title it "scope" to "License Required" Denton disagreed and stated that she liked "scope". Arts stated that he liked the attorney version of "fee". Evans suggested removing it because it's not beneficial. Regarding 3-1-3; Denton stated that she liked A, B, and C. Discussion followed. Denton stated that it was ok with her as long as it is ok to take something out that has been voted in by ordinance. Evans stated; that is what we are supposed to do. Regarding 3-1-4; Evans recommended the attorney version. Denton stated; if we are making it to benefit the citizens for the web; why shouldn't it be broken down. Fisher agreed.

There was discussion on the legal means of codification. Denton asked if the public will get the chance to see the changes. Evans answered; I doubt it. The Ordinance has to be passed before publication. Arts stated; ok, as long as we are only clarifying not changing the meaning.

There was discussion regarding the Alcoholic Beverages Section. Evans suggested taking the chart out and stating that it is determined by resolution. Fisher likes (B) defining the fees determined to be established by city council. Evans liked the attorney version because they are more updated than the city version. Fisher stated; the old code book states it, it should be in and it wasn't in the attorney version. Evans stated that he likes the definitions set forth. He recommended 3-2-1 and 3-2-2 of the attorney version.

Discussion on the Police Department part of the codification followed. Evans stated that the Mayor has supervision but it is already covered in the appointment section. The council member overseeing that department would report. She stated; that is the way the City operated prior to the past two years and I have a feeling that it will go back to that some day. So we may think about addressing the structure while we are thinking about it.

Consensus to continue the meeting on Friday 17, 2012 at 1:00 p.m.

ADJOURNMENT: Meeting adjourned at 9:10 p.m.

Phillip Fisher, President of Council

ATTEST:

Sandi Sullivan, Deputy Clerk