

## **LEGAL AND LEGISLATIVE COMMITTEE**

**April 4, 2000**

**5:00 P.M.**

The meeting of the Legal and Legislative Committee was called to order by Councilman Eaves, Chairman, with Councilmen Franklin, Rutherford, Hurley, Lively, Hakeem, and Crockett present. City Attorneys Randall Nelson and Mike McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Chief Dotson, Mayor Kinsey, Adm. Marcellis, Adm. Boney, Daisy Madison, and Fredia Kitchen.

### **CREATION OF 2<sup>ND</sup> DIVISION OF CITY COURT AND EPB APPOINTMENTS**

Chairman Eaves called the meeting to order and called on Attorney Nelson. Attorney Nelson stated that one of the reasons for the meeting was to discuss the creation of the 2<sup>nd</sup> Division of City Court and that also Carlos Smith was present to talk about appointments to the Electric Power Board; that he had ten days to get approval by the Mayor and the City Council. He called on Attorney Smith.

Attorney Smith stated that the Electric Power Board met yesterday; that the terms expire on April 15<sup>th</sup>, and they had two appointments to bring to the Council to be acted on in ten days or they would be void. He stated that the Board named **Joe Ferguson** as Chairman to succeed James Williams; that Mr. Williams had served 15 years on the Board as of April 15<sup>th</sup> and was ready to step down. He also mentioned the reappointment of **Dr. Linda P. Fletcher**, whose term expires on April 15<sup>th</sup> and who will be eligible for another five-year term. He stated he was bringing this to committee for inclusion in the Agenda of April 11th.

**On motion of Councilwoman Rutherford, seconded by Councilman Crockett, these appointments will be recommended to the full Council.**

Regarding the creation of the 2<sup>nd</sup> Division of City Court, Attorney Nelson stated that we would hear from Administration.

Mayor Kinsey stated that as all would recall, last year the need for a 2<sup>nd</sup> Court was brought up by Chief Dotson and Judge Williams and was driven by Chief Dotson. He stated that the City Council authorized them to proceed with this concept pending finishing working out arrangements under financial guidelines. He stated that Daisy Madison and Jim Boney had gotten some good budget numbers and confirmed the selection of a courtroom and there would be no cost for a new courtroom; that arrangements would be made for a permanent office in the Courts Building; that in the interim, space was available at PIC at 6<sup>th</sup> and Chestnut where the judge's office could be located temporarily.

Mayor Kinsey stated that the primary driving force for the need for an additional court time to hear cases was that Chief Dotson's officers were writing a lot of tickets and it was costing us a lot in overtime for them to come to court. He called on Chief Dotson.

Chief Dotson stated that he did come to Administration several months ago with the idea of a 2<sup>nd</sup> Court; that the first reason was that we started getting more requests for police officers; that more tickets were being written and this was creating a backlog of up to 3-6 months in advance just to have tickets heard.

In the midst of this, we are also bringing on an Animal Services Unit, which will be heard in City Court, as well as Code Enforcement and the Alarm System. He stated that a 2<sup>nd</sup> Court would create better customer service by keeping citizens from being inconvenienced waiting so long in getting cases heard.

Chief Dotson stated that it would also help get officers to the streets faster, and they could set court dates when they are on duty rather than off-duty; that the other cases discussed, such as Animal Services, could be set in the 2<sup>nd</sup> Court, as well as Codes Enforcement.

Chief Dotson stated that with the additional officers patrolling the streets and the adding of Animal Services and Codes Enforcement, it was totally impossible for one Court to handle everything.

Councilman Crockett asked if this would be evening court. Attorney Nelson stated that it had to be at least two evenings a week.

Councilwoman Hurley stated that it was her understanding that this was going to be a Night Court and not just two nights a week. Attorney Nelson clarified that the Charter requires at least two nights a week—that he could write it in as Night Court.

Chairman Eaves asked if the Council set the hours. Councilwoman Rutherford noted that the Council could set the beginning hour but the judge would have to run through the docket.

Councilwoman Hurley stated that whomever runs for this judgeship should understand that it is Night Court. Attorney Nelson indicated that he would put in that it was Evening Court; that he was somewhat torn on separation of powers.

Councilwoman Rutherford suggested 6:00 P.M., Monday through Friday. Attorney Nelson indicated that it should be earlier. Chairman Eaves stated that he believed it was the function of the City Council to set up this Court and the hours and wages.

Councilman Hakeem asked if we accepted the concept, would it imply or infer that we accepted the Budget that Adm. Boney had prepared (which is made a part of the minute material) in so far as the number of employees, etc. Attorney Nelson explained that this would need to be looked at every year during the Budget process. Councilman Hakeem stated that based on the previous operation, we may need to look at this in more detail.

Councilwoman Rutherford asked if both courts would be funded the same. Attorney Nelson stated that there would be one appropriation and one court officer. Adm. Boney added that it would not double the cost.

Councilman Lively asked about Chief Dotson saying we could save 30%. Chief Dotson explained that he felt we could reduce it by 30% because the officers would be doing this on-duty rather than overtime.

Councilman Crockett asked the cost offset. Mayor Kinsey stated that there would be a cost savings; however we had looked at this as a real need and not just as a cost savings. He stated that he had shied away from this because it might be said if it does not save enough, we don't need it, and we do need it whether we save money or not. Councilman Crockett questioned the 30%. Chief Dotson explained that this was in overtime in getting officers into court; that we were inconveniencing citizens 3-6 months in advance and one Court could not handle all of this.

Councilwoman Hurley asked if the City has Night Court if people will want to come before this Court. Chief Dotson answered "yes"—that people won't have to take off from work. Mayor Kinsey added that it would not be a situation where citizens scheduled their court times. Chief Dotson explained that it would be based on when the officer who wrote the ticket was on-duty.

Councilman Hakeem clarified that if an officer gives a ticket in the daytime, then the person will go to Court during the day during work hours.

Chief Dotson suggested from 4:00 P.M. to midnight or 3:00 P.M. to 11:00 P.M. Attorney Nelson stated that it could be written into the Ordinance 3:00 P.M. Mayor Kinsey stated that he thought 3:00 P.M. was fine if a courtroom was available; that we had talked about 3:30 P.M. or 4:00 P.M. Attorney Nelson stated that he would bring this up next week.

**On motion of Councilwoman Rutherford, seconded by Councilman Crockett, this will be recommended to the full Council.**

Councilwoman Rutherford asked if we would be starting Animal Services this week. Chief Dotson stated that they would be hitting the streets on May 1st. Councilman Franklin asked if they are recording complaints now. Chief Dotson stated they were riding with a regular office, but they could not enforce until they finished their training. Councilwoman Rutherford verified that complaints should be called to the Humane Society as of now. Mayor Kinsey added that we were going to inform the Media that this is getting ready to happen. Councilwoman Hurley indicated that we needed to advertise what the laws are. Chief Dotson stated that we planned to do that before they hit the streets; that they had been talking to neighborhood groups and there would be a press conference explaining the job description.

Attorney Nelson mentioned the 50 barks in five minutes. Councilman Crockett asked how many would be hitting the streets. Chief Dotson answered that there would be 14 animal service officers with two supervisors and each officer would be assigned to a patrol sector and would be working different shifts. Councilman Crockett asked their background. Chief Dotson responded that they were not police officers; that they were civilians whom we are training and some bring animal experience with them; they will be uniformed and unarmed.

Councilman Hakeem stated that he would like to get back to the court issue. He asked if because it was Night Court if this implied that it was less than Day Court. Attorney Nelson responded that both judges would have equal power.

### **STATE DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

Mayor Kinsey reported that the State Dept. of Environment and Conservation restricts any out-of-state water; that we dealt with this with our water utility during the settlement; the State is driving this. He stated that a county in Kentucky brought water from near Nashville and were in the process of laying water lines from Tennessee to Kentucky, and there was no State Law prohibiting this from happening. He noted that the State Department of Environment and Conservation had already dealt with this here; that he was just informing the Council of this.

### **CHARTER AMENDMENTS**

Attorney Nelson stated there was one other item; that there will be Charter Amendments next week; that they have to be ready by May 9<sup>th</sup> for the August election. Councilwoman Hurley asked about the process—if they were coming from Administration? Attorney Nelson noted that some were generated by members of the Council.

The meeting adjourned at 5:30 P.M.