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COUNCIL COMMITTEE ON
LAW & LEGISLATION
DOUGLAS N. POPE
CHAIRMAN
DAVID M. SHORE
LYNN ROBIE
WILLIAM A. SMALLMAN

MINUTES OF LAW AND LEGISLATION
COMMITTEE MEETING

August 15, 1985

The meeting was called to order at 4:10 p.m. by Chairman Doug Pope. Also present were Dave Shore and Lynn Robie. Bill Smallman was on vacation.

Item No. 3, AB 989 regarding the death penalty, was postponed to a later date, as Police Chief Kearns was unable to attend this meeting and wished to be present to discuss this item with the Committee.

Two more items were added to the agenda: No. 4 - SB 300 relating to transportation finance; and an executive session.

Item 1. Opposition to AB 2198 Relating to Surplus School Property

Chairman Doug Pope stated that this bill would not give us first option on the purchase of surplus school property and that we must then pay regular price. Lynn Robie stated that there may be a problem later on with this bill regarding who has ownership of the schools. There was some discussion regarding this ownership matter, and it was concluded that this would not be a problem in the future. Lynn Robie moved, it was seconded by Dave Shore, and it was unanimously agreed to oppose AB 2198.

Item 2. Retirement Hearing Commission Proposed Amendment to City Code Section 34.1404(c)

Dick Snyder, Employee Services Manager, discussed this issue. He said that the Retirement Hearing Commission recently voted 4-3 to amend Section 34.104(c). He then went on to explain how the Retirement System worked. Mr. Snyder noted that there are two different changes suggested for this section: one is that if it is decided more medical information is necessary, the Retirement System Manager would have the authority to request this additional information and select a doctor; the second is that if more medical information is necessary, the Commission would select a doctor.

Bill Carnazzo, Deputy City Attorney, spoke at this time. He explained that now the Commission cannot seek out the "hole" in medical records for claims. He stated that the difference between the staff recommendation and the Commission recommendation is who selects the doctor for additional medical information needed for further evidence.

Dave Shore asked what would happen if nothing is done today on this matter. Bill Carnazzo stated that the Commission can hope one or the other parties comes forward with the evidence, but that there is nothing to compel them to do so. Dave Shore noted that this was a problem only once in the past eight years, and that it was worked out. Bill Carnazzo said that the only reason this proposed amendment was drafted was at the request of the Commission.

Lynn Robie stated that there are some cases, especially back problems, where this amendment could be useful. However, she feels that this could be abused, and that asking for more information and more information and more information would be an abuse. Also, she feels that if the Commission voted 4-3 for this change, it must not have been a real big issue.

Doug Pope noted that no one from the public or the Commission was present to speak on this issue, so it must not be too important. He asked if the Commission had been notified, and was told that they had been sent a memo. Doug Pope suggested that this matter be sent to the full Council with their recommendation, as he feels there is no compelling problem to warrant changing the system from the way it is. Dave Shore agreed with Doug Pope, and said he didn't even see any reason to send it on to the full Council.

Lynn Robie stated that the way it is today, she understands that a person could go to a physician on their own. She was told that this was true, and that there is an opportunity, the way it is now, to resubmit new medical information for reconsideration. She also asked whether an individual could refuse to submit to further medical testing, and was told that this is true.

Dave Shore stated he feels if a doctor was selected by the Commission, the doctor could be prejudiced to the Commission. He feels it would be the same as a judge picking his own expert witnesses.

Dave Shore moved, Doug Pope seconded, and it was unanimously agreed to maintain the status quo on Section 34.1404(c) of the City Code, and that they will make that recommendation to the full Council.

Item 4. SB 300 (Foran) relating to Transportation Finance

Les Frink of the City's Transportation Department was present to discuss this measure. He stated he was not sure how much money was involved, but that anything was better than the way it is now. SB 290 was a 5% gasoline tax, and SB 300, which moved in to take its place, is reduced from that amount. Doug Pope noted that this new bill is not a continuing program, but recommended its endorsement. Les Frink agreed, saying that "it's the best we're going to get." Dave Shore moved, Lynn Robie seconded, and it was unanimously agreed to support SB 300. Les then stated that Doc Wisham suggested his department prepare a letter for Doug Pope's signature regarding this matter.

The Committee adjourned at 4:30 p.m. and the members went into an Executive Session.

jmv