

Mr. Thomas J. O'Donnell, Director of Public Relations (cont'd)

"The Board shall have power to appoint such persons for the proper conduct and operation of the Department as may be provided in the Ordinance of Estimates."

Similarly, Section 144 of the City Charter provides in part:

"144. City Service - Classification Subject to the exceptions and special provisions hereinafter set out, the Commission shall classify, and may from time to time re-classify, all municipal offices and positions in the City to which appointments are made by any officer (other than the Mayor) who is, or may be, clothed by the Charter, or by any law or ordinance not inconsistent with the Charter, with the power of making appointments; and no such office or position, not included in such classification, shall be created without the approval of the Commission."

You will note from Section 139 above that the Airport Board has the power to appoint, without regard to the provisions of the Charter relating to the Classified City Service, only the Director, and he has the operational responsibility of the entire Department, subject to the authority of the Board. Hence the Airport Board is the appointing officer contemplated under Section 144 of the Charter, and consequently the appointment of the employee in your case would necessarily be subject to the Classified City Service.

Concluding that his appointment would be for the proper conduct and operation of the Department, we believe that his duties, being operational, would fall in the same category as the duties of all other Aviation Department employees, and under the direction and supervision of the Director, subject to the authority of the Board.

It is, therefore, our opinion that the Charter may not be interpreted to permit the Airport Board to hire a public relations man as a direct employee of it rather than as an employee of the Department of Aviation.

We trust this answers your inquiry, but if not, please write us further.

Very truly yours,

/s/ THOMAS H. BIDDISON
City Solicitor

/s/ F. CLIFFORD HANE
Assistant City Solicitor

FCH/keb