



Takoma Park City Council Meeting – January 17, 2018 Agenda Item 5

Work Session

Discussion of a Proposed Amendment to the City Charter, Section 702 - Council Not to Interfere with Appointments or Removals

Recommended Council Action

Consider whether to amend the City Charter to clarify the City Council's role in the appointment and removal of City employees.

Context with Key Issues

The Charter vests responsibility for personnel management, including the appointment and removal of City employees, with the City Manager. The Charter currently provides that “[n]either the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or any of the manager’s subordinates, or in any manner take part in the appointment or removal” of City employees. The City Council is concerned that the current language may unduly restrict the Council from providing input and could be read by future City Managers to prohibit any Council input into the selection or removal of City employees. Given the successful process of hiring a Police Chief in the last half of 2017, the City Council wants to ensure that future Councils have similar opportunities to provide input regarding the selection of City employees.

At its October 25, 2017, Work Session, the prior City Council unanimously supported amending section 702 to expressly allow the Council to convey to the City Manager desired characteristics of persons selected to fill City staff positions and to allow the Council to participate in the personnel selection and removal process to the extent such participation is solicited by the City Manager. At that Work Session, a majority of the Council in a four to three hand vote supported amending section 702 to specifically require the City Manager to consult with the Council before selecting a new Police Chief. The Council rejected a proposal to require the Council's consent to the City Manager's selection of a Police Chief.

The attached document includes two alternative amendments. In both Options, paragraph (b) regarding the Police Chief is the same and is based on the direction of the City Council on October 25. Regarding paragraph (a), which addresses the Council's role in appointments and removals generally, Option A contains the language discussed by the Council at the October 25 Work Session, and Option B contains alternative language suggested by the City Attorney.

In Option B, the City Attorney suggests requiring that the City Manager's solicitation of Council input be made in writing so that the existence and scope of the request is clear, with the goal of preventing disputes about the proper role of the Council.

Before voting to move ahead with changing the Charter, the current City Council is asked to review in a Work Session the proposed language and decide how it would like to proceed with a Charter Amendment.

Council Priority

Engaged, Responsive & Service-oriented Government

Environmental Impact of Action

None.

Fiscal Impact of Action

None.

Racial Equity Impact of Action

None.

Attachments and Links

- Alternative proposed Charter amendment language.

Alternative Amendments to Section 702 of the Takoma Park Municipal Charter

Option A

(language supported by the majority of the City Council on October 25, 2018)

Section 702 Council Not to Interfere with Appointments or Removals

(a) Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or any of the manager's subordinates, or ~~in any manner~~ take part in the appointment or removal of officers and employees in the administrative services of the City except in certain ways the City Manager deems useful and solicits from Council, and that Councilmembers may, as a body, provide the City Manager with desired characteristics such as experience, knowledge, skills and abilities of persons to fill certain positions. Except for the purpose of inquiry, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

(b) With regard to selection of a Police Chief, the City Manager shall consult with the Council before appointing a person to the position of Police Chief, but the City Manager shall retain full discretion to make the appointment.

Option B

(alternative language suggested by the City Attorney)

Section 702 Council Not to Interfere with Appointments or Removals

(a) Neither the Council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the City Manager or any of the manager's subordinates, or ~~in any manner~~ take part in the appointment or removal of officers and employees in the administrative services of the City, except that the Council, as a body, (1) may provide the City Manager with characteristics such as experience, knowledge, skills and abilities desired of persons to fill certain positions and (2) may participate in appointment and removal decisions to the extent requested in writing by the City Manager. Except for the purpose of inquiry, the Council and its members shall deal with the administration solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

(b) With regard to selection of a Police Chief, the City Manager shall consult with the Council before appointing a person to the position of Police Chief, but the City Manager shall retain full discretion to make the appointment.