

THE CITY OF TAKOMA PARK, MARYLAND
EXECUTIVE MEETING OF THE MAYOR AND CITY COUNCIL

June 9, 1975.

City Officials present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	City Treasurer Pridgen
Councilman Forshee	Police Chief Porter
Councilman Garcia	Public Works Director Barile
Councilwoman Medina	Recreation Department Director Ziegler
Councilman Nishimoto	Corporation Counsel Gingerich
Councilman Ricks	Corporation Counsel Culpepper
	Deputy City Clerk Pusti

Councilman Webb was excused.

The Mayor and City Council met in Executive Session on June 9, 1975 at 8:00 PM in the Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland. Following the Pledge of Allegiance to the Flag, a motion to approve the minutes of the May 27 meeting and dispense with their reading was duly seconded. Councilman Ricks requested the following additions to the minutes:

- that under CITIZENS' REMARKS it be noted that Ed. Hutmire had spoken on behalf of the Recreation Council, and
- that he had referred to the rights of the employee under Article 5, Sect.2-72 of the City Code.

With those additions the minutes were unanimously adopted.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS:

- The Mayor announced that because of the MML conference the next Council meeting is postponed from June 23 to June 30.
- He read a Proclamation that June 1975 will be BOYS CLUB MONTH in Takoma Park and called on citizens to support this worthwhile cause by donations when members of the Boys Club collect, adding that much credit is due Lee Jordan for the many years he has devoted to this work as president of the Club. Councilman Nishimoto joined in the praise of Mr. Jordan.
- The Mayor told of the Takoma Academy Choral Society of 60 members having obtained nation-wide recognition when chosen under the Hands-of-Friendship Program, out of 4000 contesting groups, to go to Poland representing Youth Groups in the United States. They are scheduled to leave shortly after July 4th, and each member is responsible for raising \$600 to help pay air-fare and expenses during their 3 weeks stay in Poland; anything over that will be defrayed by the sponsors of the Hands-of-Friendship Program. The Group will give a concert at The White House on June 17, and at the Polish Embassy on June 16; they will also sing at the J.F.Kennedy Center and the Capitol Rotunda. He urged citizens to help the Group raise the necessary funds by contributing as generously as possible; one way would be to purchase their recordings at \$5.00, from which \$1.00 would go toward the trip.
- He also mentioned that Scott Freese will have his Eagle Scout Court of Honor on June 20 - becoming one of the youngest Eagle Scouts in the United States.

ADDITIONAL AGENDA ITEMS:

Mayor Roth added an item concerning the Montgomery College Building Site Plan. Councilman Nishimoto added an item concerning skates for the Recreation Dept.

CITIZENS' REMARKS:

1. David Weisman, 7701 Takoma Avenue, complained of mosquitos coming from a stream with stagnant water in a ravine between New York and Philadelphia Avenues. A couple of years ago WSSC had considered re-routing the stream but the project met with objection from citizens and was abandoned. However, he considered it a health hazard and requested that something be done. The Mayor agreed and asked the Public Works Director to comment. Mr. Barile stated that he is already working on the problem in cooperation with the WSSC.
2. Frances Phipps, 7210 Holly Avenue, presented a petition from Holly Avenue residents, asking the Mayor and Council to take early and positive action on Takoma Park's application for listing in the National Register of Historic Places. She inquired about the present status and was told that due to other priority matters, nothing had been done. Mrs. Phipps expressed concern about METRO taking small parkland areas which might serve as "buffers" and urged the Mayor and Council to think in terms of conservation in working with traffic engineers. She spoke of special problems involving houses that should be preserved. She asked that abandonment of Chestnut Street be considered and also requested that the Council recommend to Montgomery College that the exterior of Carroll House be preserved and the interior remodeled for administrative offices.
3. Ellen Marsh, 7405 Maple Avenue, thanked the Mayor and Council for their efforts in saving the Cady Lee House, now accepted in the Historic Register; a nice family is moving into the house and will renovate it. - She joined Mrs. Phipps in urging that the old houses on Takoma Avenue be preserved and not torn down by the college and replaced by modern structures. She especially mentioned the Carroll House at 7700 Takoma Avenue, which she felt could be renovated inside to suit the college while maintaining the outside architecture.
 - As to the mosquito problem she pointed out that there would always be mosquitos and that if there was a nice garden with a stream running through, it should be left that way and not re-routed.
4. Phil. Vogel, 7117 Garland Avenue, voiced his support of Mrs. Phipps and Mrs. Marsh in wanting the Carroll House retained, and praised the Mayor and Council as well as the two ladies and other citizens for their efforts in connection with preserving the Cady Lee House.
 - Referring to Mayor Roth's comment at a previous Council meeting - that no more Human Kindness Day meetings ought to be held - Mr. Vogel stated that the Mayor should not have made this statement and that Council meetings should not be used as a forum for personal opinions. He pointed out that the Human Kindness Day meeting had drawn 125,000 people, who probably were kind to each other and enjoyed themselves but for the 1000 - or less - who caused the disturbances, and that government officials should concentrate on finding a way to deal with the relatively few participants who misbehaved rather than be against holding the meeting.
 - As to the City Budget, now adopted, he was curious to learn what changes had been made based on citizens' comments at the hearing. He added that on the whole he approved of the budget - only not of its format. Mayor Roth stated that the hearing had led to discussions of whether more money could be considered for street and curb repairs, and the City Administrator mentioned consideration of additional funds for the Bicentennial display in the lobby of the Municipal Building as well as for sidewalks and street improvement. He had discussed the question of additional funds for library books with the Librarian but she had felt that the budgeted amount would suffice for this year; next year, however, more might be needed. He stressed that each individual comment at the hearing had been considered but that many had been general suggestions.

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5. Joe Ferrier, 7413 Maple Avenue, voiced support for retaining the Carroll House which fits into the neighborhood much better than anything new would.
- He recalled mentioning some time ago at a Council meeting that the City of Rockville offers free breakfast to abt.30 senior citizens daily. His impression was that the program is financed, at least partly, through a Federal Agency, and he wondered whether something similar might be worked out for Takoma Park. - He also mentioned a clinic in Prince George's County, where senior citizens can receive free medical attention, and urged the Mayor and Council to investigate whether such services could also be made available in Takoma Park.
 - He pointed out that the section of Takoma Park which is in Prince George's County has an effective Landlord-Tenant Law, while the Montgomery County part of the City does not; this he termed unjust and urged the Mayor and Council to do something about it. Mayor Roth stated that the Landlord-Tenant question would be discussed later on the agenda. As to Rockville he directed the City Administrator to look into it, pointing out, however, that Takoma Park has many things Rockville does not have , such as a larger police force and its own library. Councilman Nishimoto called attention to the Georgetown Clinic at the Middle School, which he would like to see utilized more. He thought that possibly the service there could be expanded, something he would look into.
6. Moses Karkenny, 9 Pine Avenue, stated that he had been misunderstood at the May 27 Council meeting. He had not come to complain; he had no difficulties with the English language, having a Master degree in languages; and he could not understand why anybody would feel compelled to come to the defense of Public Works after he had spoken, as he had nothing against Public Works. As a businessman he wanted to be on friendly terms with everybody. As to what had been said about some of his property not being well tended, he suggested that if anybody knew him that well and had something to tell him, they could call him on the telephone.
7. Clarence Boatman, 133 Ritchie Avenue, presented the idea of using empty lots around the City for vegetable gardens, to be grown and tended by interested citizens who might rent them for - say \$1.00. Mayor Roth was enthused about the idea and said that while it was too late for this year, perhaps next year it could be a bicentennial project. He directed the City Administrator to remind the Council somewhere around February 1976. Councilman Ricks suggested that the idea receive some publicity so that lots could be identified for the purpose and Councilman Faulkner suggested mentioning it in the City Newsletter.
8. Allan Marsh, 7405 Maple Avenue, expressed his pleasure that the Cory House on Piney Branch Road had been saved and now purchased. - He told of having noticed a sign on Flower Avenue, between Maplewood and Erie Avenues, about a zoning appeal to R-10 and wondered what the City's position would be on that. Mayor Roth stated that the City had not been notified of this, although there was a "Gentleman Agreement" with Park & Planning that they would notify the City. He instructed the City Administrator to remind them of this. As to the appeal, that would also be looked into.
- Mr. Marsh identified himself to Mr. Karkenny as having spoken in defense of the Public Works Department; not, however, immediately following Mr. Karkenny but after another citizen had complained about the inflexibility of trash collections. The Mayor suggested that the subject be dropped - or continued elsewhere. Mr. Marsh agreed, stating that of course Mr. Karkenny is well known, having 16 properties listed in THE RECORD. (Mr. Karkenny corrected this to 17).
9. Sam Karkenny, 9 Pine Avenue, complained of police harassment when he was ticketed for driving an unsafe vehicle. The Mayor suggested that he take up this matter in Court. - Mr. Karkenny then told of an incident where someone had

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pulled a gun on him, and when he called police, they did not take the gun away from his assailant. The Mayor said he would inquire about this incident.

10. Bob Barkner (Brockman) ? 8008 Takoma Avenue, presented a copy of his Master degree thesis: "The Evaluation of a Railroad Suburb - Takoma Park, Maryland - 1883-1942" to the Mayor to up-date the information available at the library, where he had received assistance in his study. He spoke of the importance of maintaining the architectural integrity and value of the old homes on Takoma Avenue and related how Takoma Park had developed from a nice summer resort, where Mr. Gilbert had intended to build a resort hotel where now Montgomery College is located, into an upper middle class residential suburb, easily accessible by railroad and streetcar. In 1930 with the event of the automobile, this had changed somewhat, but he foresaw a renaissance for Takoma Park with the coming of METRO. He strongly urged that the City resist the College's plans for tearing down the Carroll House, which he considered to be structurally sound, pointing out that the razing of this one house might well create a tension among owners of other old houses who might feel that they were being forced out, and it might lead to the disappearance of the entire left-hand side of Takoma Avenue homes - some of the finest in Takoma Park - which would then be replaced by new college buildings.

11. Kathryn T. Simpson, 7300 Cedar Avenue, spoke in defense of the college and thought the City was fortunate in having the college, which she felt should be permitted to do whatever considered necessary with the building discussed. She did not think that the tearing down of one house would make that much difference.

FINANCIAL STATEMENT: City Treasurer Pridgen reporting.

Bank Balances
as of May 31, 1975

Suburban Trust Co. - General Funds

Balance: April 30, 1975	\$ 58,015.26	
May Receipts	<u>237,431.27</u>	\$295,446.53
May Disbursements		<u>232,731.08</u>
Balance: May 31, 1975		<u><u>\$ 62,715.45</u></u>

Suburban Trust Co. - Payroll Account

Balance: April 30, 1975	\$ 12,702.11	
May Transfers from General Fund a/c	<u>110,204.55</u>	\$122,906.66
May Disbursements		<u>104,304.08</u>
Balance: May 31, 1975		<u><u>\$ 18,602.58</u></u>

Suburban Trust Co. - Rehabilitation Loan Fund

Balance: April 30, 1975	\$ - 0 -	
May Receipts - Transfer from General Funds	<u>5,000.00</u>	\$ 5,000.00
May Disbursements		<u>713.30</u>
Balance: May 31, 1975		<u><u>\$ 4,286.70</u></u>

Citizens Bank of Maryland - General Funds

Balance: April 30, 1975	\$ 528.06	
No Transactions	<u>- 0 -</u>	
Balance: May 31, 1975		<u><u>\$ 528.06</u></u>

Citizens Bank of Maryland - Special Assessment Funds

Balance: April 30, 1975	\$ 866.67	
No Transactions	<u>- 0 -</u>	
Balance: May 31, 1975		<u><u>\$ 866.67</u></u>

Citizens Bank of Maryland - Public Improvement Fund

Balance: April 30, 1975	\$ 534.53	
No Transactions	<u>- 0 -</u>	
Balance: May 31, 1975		<u>\$ 534.53</u>

Citizens Bank of Maryland - Savings Account

Balance: April 30, 1975	\$ 182.26	
No Transactions	<u>- 0 -</u>	
Balance: May 31, 1975		<u>\$ 182.26</u>

American National Bank - General Funds

Balance: April 30, 1975	\$ 751.79	
No Transactions	<u>- 0 -</u>	
Balance: May 31, 1975		<u>\$ 751.79</u>

Petty Cash:		<u>\$ 250.00</u>
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U.S. Treasury Bills

	Cost	Maturity Value
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<u>Purchased</u>	<u>Maturity Date</u>		
10/3/74	6/3/75	\$ 94,687.50	\$100,000.00
10/1/74	6/30/75	94,013.33	100,000.00
10/9/74	6/30/75	94,388.00	100,000.00
3/20/75	6/30/75	<u>98,490.00</u>	<u>100,000.00</u>
Total Treasury Bills:		<u>\$381,578.83</u>	<u>\$400,000.00</u>
5/25/75 Certificate of Deposit 5/25/76		<u>100,000.00</u>	<u>108,687.50</u>
Total Investments:		<u>\$481,578.83</u>	<u>\$508,687.50</u>

Dividends due 6/30/75: \$1,687.50

ITEMS FOR COUNCIL CONSIDERATION: City Administrator Gilsdorf reporting.(1) Communications

- a. County Board of Appeals for Montgomery County, Rockville. Notice of a Public Hearing at the County Office Building, Rockville, July 24 at 11:00 AM on Special Exception S-415 - petition of Mary L. Rhim for the operation of a private educational institution for up to 40 students at 609 Potomac Avenue, Silver Spring - in an R-60 zone, adjacent to the City. Mayor Roth appointed an ad hoc committee of Councilmembers Medina, Faulkner and Nishimoto to look into this and suggested that they - as well as Councilman Forshee also look at the Flower Avenue situation (mentioned by Mr. Marsh).
- b. Robert W. Wiley, Dean, Takoma Park Campus, Montgomery College. Letter thanking for the City's assistance in attempting to solve the parking problem in the vicinity of the college campus. Councilman Nishimoto added that in another letter Dean Wiley had told of notifying the students of the strict enforcement of parking regulations.
- c. Mrs. Freeman D. Slye, 7314 Trescott Avenue. Letter thanking for the sidewalk installed beside her home.

(2) Administrative Reports and Recommendations for Council Action

#266 - Report on Sp.Ex. S-403 - Beauty Shop at 108 Elm Avenue. The Board of Appeals for Montgomery County has granted the Special Exception to the petitioner for a home occupation for a one-year period, subject to renewal by EPA and subject to the following conditions:

- 1) Hours of operation by appointment only; i.e. 4 days a week, Monday through Thursday from 9 AM to 5 PM - no appointments scheduled after 5 PM
- 2) No more than 8 clients in any one day.
- 3) Not more than two customers to be in the Beauty Shop at any one time.
- 4) A sign not to exceed two square feet in size.

It was noted that this ruling was against the Council's position, and Mayor Roth said that the neighbors should be aware that the Special Exception is only for one year, so that they can document a protest if it turns out to be a nuisance.

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Corporation Counsel Gingerich stated that it had been operated without a Special Exception, and that at the hearing it was pointed out that it could not have been a nuisance since it had been operating for 2 years without anybody knowing it was there. It was seen as ironic that the case had been won on the basis of its illegal though unoffending operation. Councilwoman Medina inquired about Special Exceptions in general and whether the City keeps track of them all. Mayor Roth responded that a map, showing the Special Exceptions in the City, is at present being prepared.

Resolution: Authorization of enforcement of certain provisions of the Montgomery County Fair Landlord-Tenant Relations Act. Referring to Mr. Ferrer's earlier request, the City Administrator explained that the below quoted Resolution would bring Landlord-Tenant protection city-wide. The problem in arranging this had been caused by the Montgomery County's program being funded from license fees. Not included in the Resolution are Sections III (Licensing) and VI (Rent Control).

RESOLUTION

WHEREAS, the subject of Landlord-Tenant relations is recognized as being a complex problem as related to bi-County legislation and has been a matter of concern to the Mayor and Council.

THEREFORE, in order to provide equal protection to tenants and landlords on a city-wide basis, the Mayor and City Council have concluded that authorization shall be given to the Montgomery County Office of Landlord-Tenant Affairs to enforce certain sections of the Montgomery County Fair Landlord-Tenant Relations Act in the Montgomery County section of the City of Takoma Park.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

THAT, pursuant to the provisions of Sec. 29-76 of the Montgomery County Code, 1972, as amended, the City of Takoma Park does hereby authorize enforcement of the following articles of Chapter 29, LANDLORD-TENANT RELATIONS, of said Code in the Montgomery County section of the City of Takoma Park:

- Article I - In General
- Article II- Commission on Landlord-Tenant Affairs
- Article IV- Landlord-Tenant Obligations
- Article V - Complaints

THAT, the City Administrator shall provide to the Executive Director of the Office of Landlord-Tenant Affairs:

- (a) The name and address of every rental facility registered with the City and located within the Montgomery County confines of the City of Takoma Park, prior to the implementation date of this resolution;
- (b) the name and address of the owner(s) of each rental facility, along with the name and address of a person or agent residing in Maryland who is qualified to accept service of process on behalf of the owner, if known;
- (c) a report in writing, not less frequently than biennially, covering the physical condition of each rental facility with respect to the BOCA Code and other housing ordinances;
- (d) copies of "Notices of Violation" of the BOCA Code sent to the owners of rental facilities by the City of Takoma Park, which shall suffice for the purpose of reporting requirements provided the Executive Director be later informed of the status of compliance.

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FURTHER THAT the City of Takoma Park shall remunerate the Montgomery County government for services rendered in the enforcement of the above-cited Articles in the amount of \$2.25 per rental dwelling unit for the initial period July 1 through December 31, 1975, and at an equivalent rate thereafter, such remuneration to be made annually on or about January 30 of each year; AND

THAT this agreement shall become effective July 1, 1975, and may be terminated by either party upon ninety (90) days written notice.

Mayor Roth stressed that this program had been worked out through the City Administrator's persistence and good-will on all sides. Councilman Nishimoto's motion, to adopt the resolution, was seconded. Councilman Ricks commented that he was pleased to see the City getting into Landlord-Tenant Relations; he suggested ascertaining from the two counties information as to how the City is doing, but the Mayor cautioned not to burden Montgomery County with such a request until the program is in effect. The resolution was adopted unanimously by voice vote. Councilman Ricks asked to have it publicized in the City Newsletter, including information as to where citizens can call in both counties. Mr. Gilsdorf said it would be in the July issue of the Newsletter.

Appointment of Parking Enforcement Official. Carolyn Pinkard's appointment as Parking Enforcement Official was proposed, effective June 11, 1975, at a salary of \$3.75 per hour, as recommended by Police Chief Porter. Councilman Nishimoto's motion to approve the appointment was seconded by Councilwoman Medina. The Mayor directed Chief Porter to use his judgment as to how many hours a day would be necessary. At Councilman Nishimoto's inquiry about the painting of yellow curb markers Mr. Barile responded that 6" bands had been painted and that where yellow markings needed re-painting, this would be done by summer youths. The appointment was approved unanimously by voice vote.

Report on Sp.Ex. 2830 - expansion of SHELL Station at East-West Highway and Red Top Road. The Mayor preceded the report by reiterating his concern that the City did not receive all Special Exception notices. There was some discussion with Councilman Nishimoto proposing to check with the county and Councilman García commending Mr. Vogel for calling attention to Sp.Ex. 2830. Councilman Faulkner reported on behalf of the ad hoc committee, consisting of himself and Councilmen Forshee and García, that the present zoning is C-1; that the SHELL Station is operating under a Special Exception and asking for an extension, the granting of which is recommended by the technical staff with 5 conditions: 1) that screening be provided along the south property line; 2) that driveway access from East-West Highway be limited to the westernmost driveway; 3) that utilization of the first pump island be limited to the south side; 4) that a 10-foot wide landscape strip be provided along the length of the north property line, and 5) that both new and existing parking spaces be marked and lighted. He stated that a communication had been received from Mr. Vogel in support of the Special Exception provided all conditions were met; this was also the recommendation of the committee, and he so moved, proposing that a foot-note be added to the effect that the screening should preferably be evergreens. The motion was seconded, discussed and adopted unanimously by voice vote.

Report on proposed crosswalk on Maple Avenue, between Sherman and Ritchie Aves. City Administrator Gilsdorf referred to the concern for pedestrian safety - substantiated by several traffic experts' reports - which had prompted him to seek an unbiased view. Montgomery County Bureau of Traffic Engineers had now, after a careful study of the situation, offered their professional recommendation, on which the following ordinance was based:

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ORDINANCE NO. 2348

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

- SECTION 1. THAT a pedestrian crosswalk with standard diagonal lines be painted across Maple Avenue just north of its intersection with Sherman Avenue; AND
- SECTION 2. THAT standard pedestrian crossing signs shall be installed at approximately 100 feet in advance of the crosswalk in each direction; AND
- SECTION 3. THAT parking shall be prohibited on the west side of Maple Avenue from Sherman Avenue (extended) to the first driveway north of Sherman Avenue (extended), with curbs painted and signs erected at the appropriate locations; AND
- SECTION 4. THAT the Director of Public Works is hereby directed to perform the work specified to effect the directives contained in the above sections.

In response to an inquiry from Councilman Nishimoto the City Administrator said that he had been assured that the proposed spot was in fact the only one feasible for a crosswalk. Signalization was not recommended as it might prove hazardous, causing back-ups during rush hours - quite apart from the cost consideration. Councilman Ricks' motion to adopt the ordinance was seconded and carried by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto and Ricks; NAY: None; EXCUSED: Councilman Webb. Councilman Nishimoto suggested during the discussion that followed that the police observe the situation for a while and ticket drivers who did not stop for the crosswalk when pedestrians were in it. He wondered whether it required an ordinance to enforce crossing regulations and referred to the State of California, where there is strict adherence to crosswalk regulations - something he would like to see instituted in Takoma Park. Chief Porter stated that such laws are already on the books. Councilmen Faulkner and Forshee pointed out that pedestrians have responsibilities too and should be ticketed for jay-walking. Chief Porter said that pedestrians have been ticketed in Takoma Park. Councilman Ricks suggested placing fliers in the stores on Maple Avenue, emphasizing that all pedestrians MUST use City crosswalks; as for this particular one, he proposed having Corpl. Goetz - who is so effective with children - appeal to them that the crosswalk is for their safety etc. and that they MUST use it. Mayor Roth directed Chief Porter to explore this with Corpl. Goetz. Mr. Boatman suggested having signs displayed in the stores saying: YOU MUST USE THE CROSSWALKS. Councilmembers Medina and Nishimoto inquired about the availability of international signs to warn drivers that a crosswalk is ahead; Mr. Barile responded in the negative.

Montgomery College Building Site Program. Mayor Roth explained that a site plan had been submitted to Park & Planning for approval of 3 buildings: one on Chicago Avenue, one at the corner of New York and Takoma Avenues, and one on Takoma Avenue (the Carroll House). The plan involved the tearing down of the existing houses and replacing them with modern structures and was scheduled for a decision June 5. At the meeting a number of citizens from the North Takoma area had asked for deferment and a hearing, but they were told that hearings were not held on site plans; however, they were welcome to express their opinions at the meeting. The college was granted permission to proceed with the plan as far as the two first mentioned buildings were concerned; as to the Carroll House the recommendation was for the staffs of Park & Planning and of the college to get together to explore whether the house could be kept and remodelled for administrative offices - this motion was passed. Reflecting on that block, discussed by several citizens, it appeared to the Mayor that the house would be worthwhile keeping if that could be worked out, and he invited a motion for the Council to go on record as supporting the action by Park & Planning to explore whether the house can be saved. Councilman Nishimoto so moved, and Councilman Forshee seconded the motion,

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adding the amendment:...and remodeled if necessary, which was accepted. Councilwoman Medina urged that the college be encouraged to consider the entire block and the over-all appearance, not only in maintaining and renovating as many of the older homes as feasible for architectural and historic reasons and in an effort to preserve the attractive streetscape at the entrance to the City, but also in building new structures in the neighboring blocks, so they would be compatible with the old ones. During the discussion that followed Councilman Nishimoto pointed out that since the State was contributing funds too, all the City could hope for was to make known what it considers desirable and what it does not. The motion, with amendments, was carried unanimously by voice vote.

Recreation Department equipment. A request for authorization to purchase a total of 58 pairs of skates to be used in the skating program, costing \$1535.55 was presented by Councilman Nishimoto who moved that the amount be taken from the Recreation Department's Special Activities Fund and the skates purchased from Chicago Rollerskate Co. - the only place where they are available. The motion was seconded and carried unanimously by voice vote.

SPECIAL REPORTS:

Councilwoman Medina reported that TPES's local evaluation committee's report was ready for submission to the Area Planning Committee. It included a survey of 1500 households in the Montgomery County section of Takoma Park with much statistical information as to the future populations for the elementary school; it was supportive of the point that the population ratios will at most remain stable and even shows some indication towards the black and minority populations declining somewhat - in contrast to what the School Board Planning Division had stated. Mayor Roth wondered whether it would be advisable for the Council to review the report and express support. At Councilwoman Medina's request Mr. Schallhorn stated that the report will be submitted to the Board of Education on June 16 and that any input should be communicated to the School Board before that date; action was scheduled for June 18. Councilman Nishimoto spoke of the Piney Branch Middle School deliberations, pointing out that this had been a less urgent matter since there had been no talk of closing the school. Continuing her report Councilwoman Medina stated that while the School Board's Planning Division had projected an increase during the next year of at least 7% in the black minority, anticipating a 90% black elementary school population by 1980, the survey statistics indicated that the school-aged population for the next 5 years - based on the children now living here and whose families have indicated they would be here 5 years from now - would hold a ratio close to 46% white, 46% black and 8% other minority, with the largest minority populations in the 3rd and 4th grades, dropping off from the 2nd to 1st grades to Kindergarten. Contrary to what some people had thought of as a "white flight" from the community, 152 white families had moved into the community, which had remained stable. The committee's recommendation was for the school to remain open with the renovations scheduled and with the increased capacity to accomodate existing programs and a program recommended for Federal funding - an innovative project called DEVELOPMENTAL CONTINUITY, a pre-school or head-start program carried out through 4th grade and designed especially for the TPES on a 3-5 year trial basis. The idea is to help children from low income levels and culturally deprived, and it is hoped that this program will be more beneficial to the children than the now prevalent conception that disadvantaged children benefit from being in classrooms with more advantaged children. Councilman Nishimoto inquired about possible alternatives, listing 3 points: 1) Status quo, and why it should be maintained; 2) alternatives or most desirable options to status quo, and 3) what to do if the school is closed. Councilwoman Medina responded that several alternatives had been discussed, and that it was felt that the TPES could itself offer an ethnic environment. The survey showed that abt.42% had indicated that if the school was closed, they would move from the area; 42% would consider participating in busing, and the rest would probably send their children to private schools. Councilman

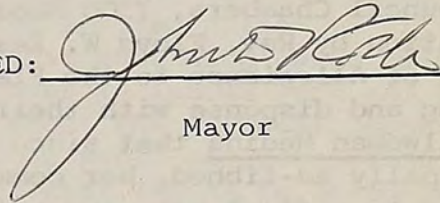
See Amendment in June 30 minutes

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Nishimoto reiterated the 3 points and stressed the danger in proposing a wrong alternative and then be held to it; this had been his main concern for the Middle School. Mayor Roth asked for a motion to the effect that the report had been discussed and that the Council could support its conclusions, but Councilman Ricks stated that he had personal concerns about supporting such a motion without having read the full report. Mr. Schallhorn said that there would be many reports for the School Board to consider on June 18, coming from schools all over area 4, and that he expected the Board's decision to be one primarily of general policy rather than on individual schools; thus it might be years before anything was done. Mayor Roth stated that in that case the discussion could be terminated for the time being, and Councilman Nishimoto said that when the time comes, an effort should be made to involve as many citizens as possible.

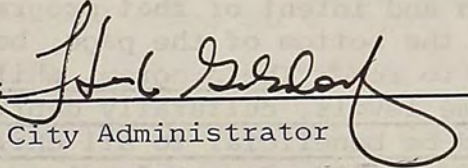
ADJOURNMENT: 10:30 PM - Council to reconvene June 30 at 8 PM.

APPROVED: _____



Mayor

ATTEST: _____



City Administrator

THE CITY OF TAKOMA PARK, MARYLAND
REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
June 30, 1975.

City Officials present:

Mayor Roth	City Administrator Gilsdorf
Councilman Faulkner	Assistant to the City Administrator Nichols
Councilman Forshee	Police Chief Porter
Councilman García	Public Works Director Barile
Councilwoman Medina	Recreation Department Director Ziegler
Councilman Nishimoto	Corporation Counsel Gingerich
Councilman Ricks	Deputy City Clerk Pusti
Councilman Webb	

The Mayor and City Council met in Regular Session on June 30, 1975 at 8:00 PM in the Council Chambers, 7500 Maple Avenue, Takoma Park, Maryland. Following the invocation by Rev. Floyd W. Kester, Good Samaritan Baptist Fellowship, and the Pledge of Allegiance to the Flag, a motion to approve the minutes of the June 9 meeting and dispense with their reading was duly seconded. It was requested by Councilwoman Medina that since her report on the Local Evaluation Committee was principally ad-libbed, her comments on the project DEVELOPMENT CONTINUITY be amended to reflect more accurately the design and intent of that program. Referring to page 9, she asked that the sentence, near the bottom of the page, beginning: "The idea is to help children..." be changed to read: "The program, while it would offer special help to children from low income levels, culturally deprived children, children with special needs, should be beneficial to all children. It will place emphasis on the following areas: Education, Parent Involvement, Support Services, Pre-Service and/or In-Service Training for staff and parents, Service for any type of handicapped children, and Services for multi-culture children. This program should be in contrast to the prevalent concept that disadvantaged and/or minority children gain most benefit from being in classrooms with a large number of children from the dominant culture with no modifications to the program." The minutes were unanimously adopted with the above amendment.

MAYOR ROTH'S COMMENTS AND PRESENTATIONS:

- The Mayor invited Mr. Hutmire as chairman of the Takoma Park Bicentennial Committee to the platform together with his guest, Mr. Charles Frances Wilding of Maryland Bicentennial Commission, and the members present from TPBC : Mrs. Roth, Mrs. Simpson and Mrs. Marsh. After being introduced by Mr. Hutmire, Mr. Wilding presented on behalf of the American Revolution Bicentennial Administration the Certificate of Official Recognition of Takoma Park for designation as a Bicentennial Community to the Mayor, together with the official bicentennial flag. Mayor Roth thanked him and announced that the "kick-off" was planned for January 1, 1976, at which time The Takoma Park Art Association would hopefully have completed its 3-dimensional montage for the Municipal Building where there would be a gala event, to which all citizens would be invited. He presented Mr. Wilding with a special Takoma Park Fourth-of-July fountain pen.
- Attention was called to the Independence Day Committee, headed by Douglas Ziegler, having issued the program for this Fourth-of-July celebration with the parade starting at 9:30 AM. The program featured - for the first time - a soccer game. Collections to cover expenses would be made, and a special fountain pen and other items would be on sale.
- He told of attending, together with Councilman Faulkner, a town meeting of the Prince George's County - something new - where the legislators of the 25th District listened to what citizens had to say. A statement by Phil Vogel from Takoma Park had drawn applause.

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- It was announced that Mrs. ~~Armstrong~~ had donated the original "Takoma Park Azalea" to the City and that cuttings would eventually be on sale to citizens.
- The Lions Club had written a letter thanking the City for assistance with its Health Day this spring, where 140 Takoma Park residents had been health-tested. It was hoped that 3-400 persons could be tested at future programs and the Mayor felt the City owed the Lions Club thanks for doing this.
- A meeting of the Park & Planning Commission was announced for the 3rd of July at 3:50 PM on the Takoma Park Campus of Montgomery College, and a work session for July 8, concerning TESS.
- Mr. Alvin Nichols, the new Assistant to the City Administrator, with the City since June 1, 1975, was introduced.

ADDITIONAL AGENDA ITEMS: Councilman Nishimoto added an item on the action of the Board of Education concerning TPES.

CITIZENS' REMARKS:

1. Marian Leary, 7301 Takoma Avenue, (cor. Piney Branch Rd.), complained of many speeding cars and accidents in her neighborhood; she invited police to sit in her driveway to catch speeders and expressed the hope that something could be done to slow down traffic. She stated that she was a newcomer to Takoma Park and liked it here - aside from the traffic; she was excited about the proposal concerning historic preservation in the City. Mayor Roth said he would request police surveillance of the area, and Councilman Ricks wondered what VASCAR is doing to slow traffic down and asked for a report at the next Council meeting.

2. Allan Marsh, 7405 Maple Avenue, complained of speeding traffic on Maple Avenue, where the residents are now afraid to park on the street for fear of being hit. He too would be interested in a VASCAR report, as he had hoped this device would relieve this serious problem, not only on Maple but on Walnut, Cedar, Tulip and Holly Avenues as well. Referring to the anticipated increase in traffic problems, once METRO is running, he reiterated his request^{made} at an earlier Council meeting, that an in-depth study of Takoma Park's traffic problems be undertaken, possibly by a special committee. Mayor Roth responded that it was his impression that due to strikes and other problems, the opening date for Takoma Park METRO Station might be delayed considerably, so that the traffic problems connected with it were not imminent but are being studied.

3. Joe Ferrier, 7413 Maple Avenue, confirmed Mr. Marsh's statement concerning speeding cars on Maple Avenue. As to parking and the increased nuisance bound to arise around the METRO area, he felt that forewarned was forearmed. - He stated that he was pleased to see City Officials not only participating in public events but also personally inspecting problems around the City; (he mentioned Councilmen Garcia and Faulkner) - He called attention to the fact that Don Wassman of the Montgomery County Department on Aging had announced receiving a \$70,000 grant from the Federal Government to help alleviate the fear of older persons of being attacked, mugged, etc. when venturing out on the streets; he said that many residents of TAKOMA TOWER are afraid to go on Tulip Avenue and expressed the hope that much of the money would be available to Takoma Park for Police Chief Porter to use, perhaps for foot patrols, visible and thus offering protection for older citizens. Mayor Roth directed Chief Porter to look into this.

3. Dolores Stowell, 7704 Takoma Avenue, presented a memento of a Citizens' Rally to preserve the Carroll House to Councilman Faulkner.

City Administrator Gilsdorf introduced Eagle Scout TOM GALLAGHER as having sent a letter to the Mayor suggesting that - to earn an Eagle Scout badge - he take on a project to benefit the City. As a result he and 3 other Eagle Scouts had made a parking survey of the area where the future METRO station will be,

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bounded by Philadelphia, Maple, Boundary, Chicago and Eastern Avenues. Mr. Gallagher reported from the survey, in which 3 questions were asked: 1) How many vehicles in your household - the total was 624 cars; 2) Do you require on-street parking - 201 did; and 3) Would you object to people, using METRO or attending the college, parking on your street - 95 said no; 376 objected. He quoted some comments by citizens. Councilman Ricks referred to another recent Eagle Scout project and commented that he was impressed by the civic projects carried out by the young people of Takoma Park for the good of the City; this showed public spirit and was something older citizens could be proud of. The Mayor concurred.

Joe Ferrier, referring to the agenda item added by Councilman Nishimoto on TPES, commented that many organizations and people he knew were against the closing of the school and hoped this would not happen and that the City Council would oppose it.

ITEMS FOR COUNCIL CONSIDERATION - City Administrator Gilsdorf reporting:

Administrative Reports and Recommendations for Council Action.

Funds for Bicentennial Special Project. Upon the recommendation by City Administrator Gilsdorf Councilman Ricks moved that the below quoted ordinance be adopted. The motion was seconded and passed by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto, Ricks and Webb; NAY: None; EXCUSED: None.

ORDINANCE NO. 2349

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

- SECTION 1. THAT the Takoma Park Art Association, as its Bicentennial Year contribution, will undertake a major project in the form of a permanent 3-dimensional montage in the Municipal Building lobby;
AND
- SECTION 2. THAT it is the desire of the Mayor and City Council to provide the Association with project materials.
- SECTION 3. THEREFORE THAT the sum of FIFTEEN HUNDRED DOLLARS (\$1500) be transferred from Federal Revenue Sharing Funds to a Reserve Fund for Municipal Building Bicentennial Special Project, for Fiscal Year 1975-76.

Appropriation of Revenue Sharing Funds for landlord-tenant program. Upon motion by Councilman Nishimoto, seconded by Councilman Ricks, the below quoted ordinance was adopted by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto, Ricks and Webb; NAY: None; EXCUSED: None.

ORDINANCE NO. 2350

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

- SECTION 1. THAT on June 6, 1975, the Mayor and Council adopted a resolution authorizing Montgomery County Office of Landlord-Tenant Affairs to enforce in the Montgomery County section of the City, Articles I, II, IV and V of the Montgomery County Fair Landlord-Tenant Relations Act; AND
- SECTION 2. THAT the above-mentioned resolution provided for payment to the County for services rendered in the amount of \$2.25 per rental dwelling unit for the initial period beginning July 1, 1975 through December 31, 1975.
- SECTION 3. THEREFORE THAT the sum of THIRTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$13,500) be appropriated from Federal Revenue Sharing Funds and transferred to a reserve fund for the Landlord-Tenant Program for Fiscal Year 1975-76.

Code Amendment: Article 5, Personnel. The following ordinance (Code Amendment) was moved by Councilman Garcia, seconded by Councilman Webb, and passed by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto, Ricks and Webb; NAY: None; EXCUSED: None.

ORDINANCE NO. 2351 *)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. WHEREAS, Article 5, entitled PERSONNEL, of the Code of Takoma Park, Maryland, 1972, as amended, is in need of updating and revision;
AND

SECTION 2. THAT a thorough study has been completed and a new set of comprehensive Personnel Regulations has been prepared.

SECTION 3. THEREFORE THAT Sec.2-50 through Sec. 2-96, Article 5, PERSONNEL, of the Code of Takoma Park, Maryland, 1972, as amended, be repealed in its entirety; AND

SECTION 4. THAT a new set of Personnel Regulations, comprised of Chapters I through XV, and set forth in the attached document, *) be hereby adopted in its entirety; AND

SECTION 5. FURTHER THAT this ordinance shall become effective on July 1, 1975.

Some discussion followed with Councilman Nishimoto suggesting that copies of the personnel regulations be given all City employees and also be available at the Library. The City Administrator told of plans for an Employee Handbook for this purpose, which will be given to all present and future employees. At an inquiry from Councilman Ricks the City Administrator confirmed that Article 5 could be amended, as is the case with any part of the Code. He further advised that the draft regulations had been given to all Department Heads months ahead to give each an opportunity to discuss the regulations with their respective employees. Mayor Roth reiterated that the new regulations were not "set in cement", but could always be changed or adjusted, should this prove desirable. Councilman Forshee thanked the City staff for the good work in connection with consolidating the regulations, which he termed a step in the right direction; and Councilman Nishimoto and Mayor Roth both concurred that this was a good professional job.

Resolution authorizing the City Administrator to sign checks. Mr. Gilsdorf explained that the reason for this proposal was that the City Treasurer expects to travel extensively, and the only other person authorized to sign checks is the Mayor.

RESOLUTION

RESOLVED, that the Suburban Trust Company is hereby designated as a depository of this Corporation and that a checking account be opened and maintained in the name of this Corporation with said bank; that any one (1) of the three (3) following officers and agents of the Corporation: Treasurer, Mayor or City Administrator, are hereby authorized on behalf of this Corporation and in its name to sign checks, drafts, notes, bills of exchange, acceptances or other orders for the payment of money from said account; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation, for deposit in said account, or for collection or discount by said bank, to accept drafts, acceptances, and other instruments payable at said bank; to waive demand, protest and notice of protest, or dishonor any check, note, bill, draft, or other instrument made, drawn or indorsed by this corporation; AND

FURTHER RESOLVED, that said bank be and is hereby authorized to honor, receive, certify or pay all instruments signed in accordance with the foregoing resolution even though drawn or endorsed to the order of any officer signing the same or tendered for cashing, or in payment of the individual obligation of such officer,

*)

The Personnel Regulations are available for inspection in the City Administrator's Office and at the Library.

or for deposit to his personal account, and said bank shall not be required, or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application, or disposition of such instrument, or the proceeds thereof; AND

FURTHER RESOLVED, that the City Clerk shall certify to said bank the names of the presently duly elected and qualified officers of this Corporation and shall from time to time hereafter, as changes in the personnel of said officers are made, immediately certify such changes to the bank, and said bank shall be fully protected in relying on such certifications of the City Clerk and shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from, or growing out of honoring the signature of any officer so certified or refusing to honor any signature of any officer so certified or refusing to honor any signature not so certified; AND

FURTHER RESOLVED, that the foregoing resolution shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said bank, and that receipt of such notice shall not affect any action taken by the bank prior thereto; AND

FURTHER RESOLVED, that the City Clerk be, and hereby is, authorized and directed to certify to said bank the foregoing resolution and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

The passage of the Resolution was moved and seconded. There was some discussion as to whether special bonding was required. This was stated not to be the case, and the motion was passed unanimously by voice vote.

Ordinance designating time periods for Carroll Avenue loading zone. It was explained that people ticketed for parking in the loading zone in front of 7034 Carroll Avenue had complained that the signs did not indicate any hours. Therefore, the following ordinance was proposed:

ORDINANCE NO. 2352

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND

SECTION 1. THAT the time frame for the loading zone located in front of 7034 Carroll Avenue shall be in force between the hours of 8:00 AM and 6:00 PM; AND

SECTION 2. THAT the Director of Public Works is hereby authorized to erect new signs to reflect the directive in Section 1.

Adoption of the ordinance was moved by Councilman Forshee, and duly seconded. There was discussion about the appropriateness of the hours, and it was pointed out by Police Chief Porter that the hours were compatible with parking in the area. The motion carried by roll call vote as follows: AYE: Councilmembers Faulkner, Forshee, Garcia, Medina, Nishimoto, Ricks and Webb; NAY: None; EXCUSED: None.

Authorization to advertise for bids on Public Works Backhoe Loader. The City Administrator recommended the granting of a request from Public Works Director Barile for authorization to solicit bids for a backhoe loader. Councilman Garcia so moved; the motion was seconded by Councilman Ricks and the authorization granted unanimously by voice vote.

Report on Rockville's breakfast program for senior citizens. The City Administrator reported that in response to Mr. Ferrier's inquiry at the June 9 Council meeting, the following information had been obtained:

- (1) The program is funded under a HEW demonstration grant (Title III, Older Americans Act) with \$50,903 for a one year period.
- (2) The City had to provide matching funds of \$54,000.
- (3) The purpose of the Title III grants is to provide services to the senior citizen population, and includes coordinated social services, outreach into the community, nutritional services, and transportation facilities and services.

- (4) The Rockville Program provides for approximately 17-20 participants, and includes distribution of the following services:
 - a. Breakfasts, Monday through Friday (9-10 AM)
 - b. Sunday dinner
 - c. Participants picked up and returned home by bus
 - d. As a part of their matching funds, the City provides senior aides, a bus and driver, a recreation specialist, a center (Pump House), and other miscellaneous items, such as bus driver uniforms, etc.
- (5) The program has contracted with the Division of Food Services, Montgomery County, to provide meals at a cost of about 50 cents per breakfast.

Mayor Roth commended the City Administrator for the detailed report and directed that each Councilmember be furnished a copy. Councilman Ricks suggested that Mr. Ferrier also receive a copy of the report.

Report on New York Avenue mosquito control and storm drain. At the City Administrator's request Mr. Barile reported that he had requested the representative of the State of Maryland, who was also connected with the University of Maryland and the Montgomery County government, to undertake a program of spraying the area for mosquitos twice a week as long as necessary. The problem was not considered too serious and no evidence of larvæ had been found. If citizens would cut back their shrubberies 25-50 feet, this too would help. The cost to the City for the spraying is \$150 for one year and the State pays an equal amount. The spray is not harmful to humans or pets.

- As to a storm drain, Mr. Barile had asked WSSC to put in a permanent storm drain in the ravine; but the Division Chief and his project engineer had stated that this particular creek runs against all objectives of the storm drain program, the purpose of which is to eliminate or minimize flood damage or to stem erosion - none of which would apply here. It had been pointed out that this stream is one of the nicest in the whole County, and it was suggested to spray and cut back shrubberies rather than put in a drain pipe. Councilwoman Medina commented that the residents around New York Avenue would be disappointed not to get a storm drain but that the situation should be explained to them and the spraying program - including the type of pesticide used - publicized. Furthermore she proposed to have someone look at the ravine, perhaps together with residents, to determine what type of cutting back could be done voluntarily, and also whether with the City's help the creek could be dredged to make its water flow freely rather than stagnate. Mr. Barile stated that he would have the creek cleaned for debris, causing the water to stagnate. He would also request that the citizens be notified of the spraying program. The Mayor suggested that the information might be passed on through the City Office.

Report on meeting with SHA regarding pending signalization projects. The City Administrator reported on a meeting with Thomas Hicks, Chief Regional Engineer for SHA, to discuss the various signal lights promised Takoma Park for this summer: Ethan Allen & Carroll; Philadelphia & Carroll; Takoma & Philadelphia; Philadelphia & Maple, and a crossing light at TAKOMA TOWER. Mr. Hicks had advised that these 5 projects would be let as one contract on October 1, 1975, and the low bidder given 60 days in which to complete construction. Referring to his motion at a previous Council meeting - to contact Governor Mandel in this matter - Councilman Ricks now moved that Mayor Glaubitz of Morningside, who had recently been appointed liaison between Governor Mandel and municipalities, be approached, in order to get some action from SHA, at least to have the date given moved forward. The motion was seconded and considerable discussion followed with Councilman Faulkner recalling that SHA Officials had previously stated that some of the projects were just waiting for delivery of the electronic equipment - thus implying that a contract had already been let, which it now turns out is not the case. In other words, SHA apparently had no intention of living up to the commitments made to Takoma Park. It was proposed that a copy of the letter to Mayor Glaubitz be forwarded to the State Delegation. The motion carried unanimously by voice vote.

TPES. Councilman Nishimoto reported on the June 26 meeting of the Board of Education, to discuss the recommendations made by the various Local Evaluation Committees of area 4, as to the schools in that area. The Board of Education had tentatively approved the 9 resolutions with final action to be taken on August 5, depending on the reactions of the Local Evaluation Committees and the Area Planning Committee. Stating that resolution No.7 is what Takoma Park is concerned about, he read a short version of that resolution: One of the options supported by the Board is a plan - to receive further study - with the following elements: 1) Close the existing TPES building and convert Piney Branch Middle School to serve students from kindergarten through grade 5. 2) Utilize Takoma Park Junior High School to serve students in grades 6 through 8; in short, it was suggested that the Local Evaluation Committee study a plan for closing TPES, the first step toward the actual closing of the school. He was much concerned and had contacted various organizations within the City, urging them to write to the Board of Education in protest, stating that the citizens of Takoma Park are not interested in a study to close TPES, as this would indicate moving in that direction. He expressed his fear of the consequences for the City, should the school be closed, and mentioned a statement by the County Executive, complaining of lack of funds to convert some of the schools that will be closed. Possibly this could mean that the City would have a large school standing idle, subject to vandalism etc.. He urged all citizens concerned to write directly to Thomas Israel, president of the Board of Education, Rockville Educational Center, Rockville, Maryland, indicating their opposition to even study the possibility of closing TPES. He moved that the Council also send such a letter to Mr. Israel, strongly opposing Resolution No.7 and requesting that instead Dr. Elseroad's recommendation be implemented by the Board, namely that all 9 schools of area 4 join together in a cluster and study how the problems related to racial imbalance and better use of the available facilities can be solved. He outlined further points to be stressed in the letter as follows:

- Already citizens of Takoma Park are aroused and concerned because of the closing of SSI - why single out Takoma Park for yet another school closing?
- Plans are already in the making for modernization of TPES - why not proceed, as has been the case with other schools?
- The grounds for Piney Branch Middle School were donated by the City of Takoma Park for a middle school, and under no circumstances will the City favor converting it into an elementary school; it is not equipped for this and has f.inst. only limited playground area, not sufficient for younger children.

The motion was seconded by Councilwoman Medina, who added that while one positive point had been that the Board of Education - according to a draft statement on integration - believes the school should not exceed a 50% minority enrollment - in contrast to the staff's position - it had come as a "slap in the face" that the staff had preferred to ignore the TPES survey, covering the Montgomery County section of the City, served by TPES, and showing a stable community, and to use their own statistics, according to which the ratio would be close to 90% by 1980. She found it highly insulting and very damaging that the staff had chosen not to believe what the facts tell them and recommended strongly that the City refuse to participate in the proposed study. Councilman Ricks agreed and commented that even if the school should become 90% black, those kids would also have to be educated, so closing of the school would not help. He felt that children should not be deprived of an education while the problem of racial imbalance is being studied and re-studied and pointed out that when he had met the candidates for the School Board - at election time - they had all spoken out in favor of keeping TPES. He wondered what had happened and how the vote had been. Councilman Nishimoto stated that the vote had been unanimous. Councilman Ricks then suggested that they all be reminded - on an individual basis - of what they had said before their election last year, and Councilman Nishimoto agreed and said that he had asked Dr. Faith Stern to have the people who are writing letters to Mr. Israel send her copies, so that she can incorporate them in her

letter to the School Board. Councilman Ricks recalled that Mr. Israel had stated - in the Mayor's presence - that the Board of Education was not interested in disrupting the harmony of the community but wanted the people of Takoma Park to be happy. Councilman Nishimoto noted that this point had not been raised once during the discussion of Resolution No.7. Councilwoman Medina said that the Area Planning Committee had made no recommendation to close TPES - had in fact based its presentation on renovation of the school. There was more discussion during which Councilman Nishimoto quoted one of the School Board members as saying that nobody was asking the TPES to stop its progressive programs - only to transfer them to Piney Branch Middle School - a statement indicating that in her mind, the decision had already been made. The motion carried unanimously by voice vote, and the Mayor added that he hoped that all citizens involved with the TPES P.-T.A. would be active in expressing their concern.

ADJOURNMENT: 10:00 PM; the Council to reconvene on Monday, July 14, at 8:00 PM.

APPROVED: _____

John D. Roth
Mayor

ATTEST: _____

Herbert W. Gilsdorf
City Administrator

June 30, 1977

Letter to the School Board. Commissioner Fitch recalled that Mr. Israel had stated - in the report's presence - that the Board of Education was not interested in discussing the merits of the proposal but wanted the people of Lakewood to be happy. Commissioner Nicholson noted that this point had not been raised during the discussion of Resolution No. 1. Commissioner Keating said that the Area Planning Committee had made no recommendation to close IES - had in fact based its presentation on renovation of the school. There was some discussion during which Commissioner Nicholson quoted one of the school board members saying that nobody was asking the IES to stop its progressive program - only to transfer them to Piney Branch Middle School - a statement indicating that the decision had already been made. The motion carried unanimously by voice vote, and the Mayor asked that he hoped that all citizens involved with the IES P-1-A would be active in expressing their concerns.

ADJOURNMENT: 10:00 PM; the Council to reconvene on Monday, July 1, at 8:00 PM.

Henry

Faint handwritten text, possibly a signature or initials.

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PERSONNEL REGULATIONS

CITY OF TAKOMA PARK, MARYLAND

July 1, 1975

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CHAPTER I

ADMINISTRATION

A. Purpose of Regulations

The purpose of the personnel regulations contained herein is to encourage a work environment which maximizes employee morale and the efficient delivery of services to the citizens of Takoma Park.

B. City Administrator's Responsibility

The City Administrator bears the responsibility of administering all personnel matters within these regulations. The City Administrator may delegate his authority in personnel matters to an assistant. The City Administrator shall review these regulations on an annual basis in order to maintain a modern and effective personnel system.

C. Employee's Responsibility

It shall be the responsibility of every employee to acquaint himself with the personnel regulations as promulgated and any subsequent revisions thereof.

D. Applicability of Regulations

The provisions of these regulations shall apply to all employees of the City of Takoma Park, except if they conflict with or become inconsistent with County, State, or Federal legislation.

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CHAPTER II

Definitions

The following terms and words, wherever used in these rules, shall be defined as:

1. Allocation - The assignment of an individual position to an appropriate job class.
2. Appointment - The placement of a person in a position in the City's classified service.
3. Continuous Service - Employment without interruption except for absences on approved leaves, or absences to serve in the Armed Forces of the United States.
4. Demotion - A reclassification of an employee from one job class to another which has a lower maximum pay step.
5. Immediate Family - An employee's immediate family shall include: mother, father, siblings, children, or other dependent.
6. Incumbent - An individual who occupies a given position and performs the assigned duties and responsibilities of that position.
7. Class - A group of positions which are sufficiently similar in general duties and responsibilities to warrant the use of the same position title, rate of compensation, and minimum qualifications.
8. Job Descriptions - The written description of the duties, responsibilities and qualifications of a position within the City's classified service.
9. Layoff - The involuntary, nondisciplinary separation of an employee from a position.
10. May - The word "may" is to be construed as vesting discretionary authority in certain positions.
11. Overtime - Overtime pay is that compensation which is paid to an employee for work performed in excess of a normal work period.
12. Pay Grade - A range of pay steps which is assigned to a given job class.
13. Pay Step - A particular rate of compensation found within the range of a pay grade (steps A-G within all pay grades).

14. Permanent Full-Time Position - A group of duties and responsibilities which requires the employment of one person for 100% of a work day, and for at least a (1) one year period.
15. Permanent Part-Time Position - A group of duties and responsibilities which requires the employeent of one person for not less than 25% of a work day, but less than 100% of a work day, on an average basis, and for at least a (1) one year period.
16. Pay Plan - The official schedule of pay grades and pay steps as established by Councilmanic action setting forth prescribed rates for each job class.
17. Position Classification Plan - The official compilation of job class descriptions outlining the duties, responsibilities, and qualifications of each class within the City's classified service.
18. Probationary Period - A six month period of time considered as an integral part of an incumbents induction process either for original appointment or promotion, during which the employee is required to demonstrate fitness for the position prior to receiving permanent status. For Police Officers, the probationary period is (1) one year.
19. Promotion - A reclassification of an employee from one job class to another which has a higher maximum pay step.
20. Reclassification - An official change in the allocation of an individual position by raising it to a higher job class, reducing it to a lower job class, or moving it to another job class at the same level on the basis of the duties and responsibilities of the position.
21. Series - Each job class will be numerically grouped with those job classes which posses similarity in the kind of work performed.
22. Suspension - An enforced involuntary leave of absence for disciplinary purposes without pay.
23. Shall- The word "shall" is to be construed as mandatory.
24. Temporary Employee - An individual who is appointed either to perform the duties and responsibilities of a permanent full-time or part-time position in a emergency situation or to perform the duties and responsibilities of a temporary position.
25. Temporary Position - A group of duties and responsibilities which requires the employment of one person either on a full-time or part-time basis for seasonal or other purposes.

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26. Transfer - Assignment of an employee from one position to another. Transfers can take place within a department, between departments, between positions of the same pay grade, or between positions of different job classes.
27. Vacancy - A duly authorized and budgeted position which is not occupied by an incumbent.
28. Work Day - Work Day refers to the number of hours regularly scheduled in one 24 hour period.
29. Work Week - Work Week refers to the number of hours regularly scheduled in a (7) seven consecutive day period.
30. Work Period - For Police personnel, a work period shall be 28 days in succession.

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CHAPTER III

CONDUCT OF EMPLOYEES

A. General Policy

All City employees, irrespective of their status, are forbidden to engage in conduct which reflects unfavorably upon the City at all times. City employees are also forbidden to engage in conduct which creates the impression of or results in the actual use of public office for private gain, to give preferential treatment to any person or to lose absolute impartiality and objectivity in the performance of City business.

B. Business Activities and Solicitation

No City employee shall engage in any business other than that which directly relates to the duties and responsibilities of the employee's assigned position during working hours, including such activities as selling to fellow employees, lending money for profit, etc.

C. Outside Employment

(1) Upon written notification to the employee's Department Head, an employee may engage in non-City service employment. However, no employee may retain employment which would jeopardize the integrity of the City, create a conflict of interest, or interfere with the performance of the duties and responsibilities of his or her position. Should the Department Head determine that an employee's outside employment has a negative impact upon the City's image or interferes with the efficient operation of the City government, he may instruct the employee to terminate the outside employment. Such instruction shall be enforceable via possible disciplinary action as prescribed in Chapter XI.

(2) Any employee who engages in outside employment shall be fully cognizant of the fact that he or she is subject to call to perform his regular City duties should such action become necessary.

(3) Should a City employee become disabled either through occupational disease or injury directly attributable to the employee's outside employment, the City in no instance shall be liable nor grant injury leave to the employee. Neither shall the employee be eligible for workmen's compensation benefits through the City.

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D. Priviledged Information

(1) Since many City employees are in a position to obtain information or to influence a decision concerning financial matters, it shall be strictly forbidden for an employee to utilize such information or influence in a manner that benefits the employee and/or any acquaintance. If an employee finds that he or she has a financial interest which could be affected by a City action, then the employee is affirmatively obligated to report the situatuion to his Department Head and/or the City Administrator.

(2) Only in extenuating circumstances may priviledged information be disclosed to the public. Such disclosure must be approved by the City Administrator but in no instance shall the information be of a financial nature.

E. Political Activity

All employees of the City shall be able to exercise their franchise in any election in which they may be eligible, and to express their opinion. All City employees have the explicit right either to participate or to refrain from participating in partisan political activity with the provision that no employee has the right to engage in partisan political activity during regular working hours. No City employee shall be permitted to hold any elective office within the City government. City employees may be permitted to accept appointive positions (within the scope of section C), with the explicit exclusion of appointment to the Takoma Park Personnel Appeal Board.

CHAPTER IV

POSITION CLASSIFICATION PLAN

A. Preparation of Position Classification Plan

The City Administrator shall prepare a Position Classification Plan encompassing all permanent part-time and permanent full-time positions in the City service. The Position Classification Plan shall consist of a list of all positions in the City's classified service and written job descriptions outlining the nature, duties, responsibilities, and qualifications of each job class.

B. Allocation of Positions

Each permanent full-time and permanent part-time position shall be allocated to a class containing those positions which are so similar in the nature of required work as to justify the same class title, the same required amounts of experience and training, and an equal pay grade assignment.

C. Job Descriptions

(1) Each class within the City service shall have a written statement outlining its principal characteristics. Specifically, each job description shall include:

- (a) a class title;
- (b) a description of the duties and level of responsibility and authority of the work;
- (c) a set of illustrative work examples;
- (d) a statement of the required knowledge, skills and abilities;
- (e) a statement of minimum qualification requirements.

(2) The job description is not to be construed as a prescriptive framework for any position within a class. The illustrated duties and responsibilities for a class shall not be construed as an exclusion of duties and responsibilities which are of a similar kind and level. The job descriptions shall not infringe upon a Department Head's or the City Administrator's power and authority to direct, assign and control the work of their respective subordinates. Qualifications expected of all incumbents of positions (such as valid drivers license if the position requires driving; good physical condition; freedom from disabling defects which the City Administrator finds would adversely affect work performances; honesty; sobriety; courtesy; and industry) shall be deemed to be implied in the qualification requirements of each class even though not specifically mentioned in the job description.

(3) All City employees shall be given a copy of their appropriate job description and shall be furnished new ones should their positions be re-allocated. Copies of job descriptions for all City jobs are available in the City Administrator's office and may be reviewed by the public and any City employee.

D. Position Classification Plan Amendments(1) Authority

Upon recommendation from the City Administrator's office, or upon its own initiative, the Mayor and Council may amend the Position Classification Plan, in whole or in part.

(2) Establishment of New Class

When a new class is deemed appropriate, no newly created position(s) designed to be allocated to that class shall be filled until the Position Classification Plan is amended to incorporate the new class. It shall be the City Administrator's responsibility to submit a draft job description to the Mayor and Council for approval.

(3) Annual Review of Job Descriptions

At the time of the employee evaluation and development discussion between the supervisor and employee, the employee's job description will be thoroughly reviewed to note any significant changes which may have taken place in the employee's job. The supervisor, with the employee's assistance, will prepare a description of alterations, additions, or deletions required in the job description and will forward these changes to the City Administrator's office for classification review and subsequent disposition.

(4) Abolishment of Positions

The City Administrator may recommend to the Mayor and Council the abolition of a position whenever he deems it necessary and in the best interest of the City. Should the abolition of a position result in the abolishment of a class, the City Administrator shall also recommend to the City Council an amendment to the position classification plan reflecting the abolished class.

E. Reclassification

Positions which have experienced material changes in the level of duties and responsibilities or principal nature of work shall be subject to reclassification (re-allocation). Apart from the semi-annual employee evaluation and development discussion, an employee may request a change in allocation by submitting in writing the justification for such change to the Department Head. It is also within the Department Head's and City Administrator's authority to initiate a review of an employee's allocation when just cause exists. A re-classification can be in either an upward direction or a downward direction. When a position is re-classified, it shall be assigned to a pay grade in accordance with the rules set forth herein.

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CHAPTER V

PAY PLAN

A. Preparation of Pay Plan

The City Administrator shall prepare a pay plan covering all classes in the City's classified service. In determining pay grade assignments for each class, consideration shall be given to prevailing rates of pay and working conditions for work of a comparable nature in other public agencies and in private employment, to department head recommendations as well as other relevant factors. The City's ability to recruit and retain qualified employees shall be of principal concern in the development of the pay plan. It shall be the City Administrator's responsibility to maintain the pay plan with regard to the factors mentioned above.

B. Pay Period

(1) All salaried employees, with the exception of the Library personnel, shall be paid on a bi-weekly basis.

(2) All salaried Library personnel shall be paid on a monthly basis.

(3) All full-time hourly personnel shall be paid on a weekly basis.

(4) All part-time personnel shall be paid in accordance with their respective departmental procedures.

C. Determination of an Employee's Pay Increase

(1) All pay increases irrespective of any individual employee's anniversary date shall be implemented on the first day of a new fiscal year. Pay increases may be deferred upon action by the Mayor and Council.

(2) Merit Increase - Pay increases for work performance are not automatically granted. An employee's work must demonstrate that his or her work performance meets acceptable standards before a pay increase for merit is granted, and provided there has been no leave without pay totaling 10 regularly scheduled work days during the prior fiscal year. Leave without pay in excess of 10 regularly scheduled work days shall require that the merit step increase be postponed for a corresponding period of time.

(3) Cost of Living Increase - A fixed percentage rate shall first be determined by the Mayor and Council for cost-of-living needs and then

applied to the general salary schedule. Only the Mayor and Council shall determine said percentage rate, subject to the recommendation of the City Administrator.

- (4) Longevity Steps - Longevity step pay increases will be granted if:
 - (a) an employee has 10, 14, or 18 consecutive years in service and
 - (b) the employee is in step G of the pay grade to which his or her position is assigned.

D. Salary Rates for Reallocations, Promotions and Demotions.

(1) Upward Reallocations and Promotions - If an employee is an incumbent of a position that is reallocated to a class with a higher assigned salary grade or promoted, the employee's rate of compensation shall be granted according to whichever of the following criteria is greater:

- (a) the pay step in the general salary schedule immediately above the employee's present rate of pay;
- (b) step A of the new positions assigned pay grade.

(2) Individual Downward Reallocations - If an employee is an incumbent of a position that is reallocated to a class with a lower assigned salary grade, the employee's rate of compensation shall remain unchanged from that which he or she is receiving on the effective date of such action, even if his salary is in excess of G step of the grade to which the employee's position is assigned.

(3) Demotions - When an employee is demoted either voluntarily or involuntarily, the specific pay step within the assigned salary range shall be determined by the City Administrator. In no instance, however, shall the City Administrator establish an employee's salary rate in an amount less than step A of the position to which the employee is assigned subsequent to his or her demotion.

E. Salary Rates for Transfers

When an employee is permanently transferred from a position in one class to a position in another class at the same pay rate, or is transferred with no change in class, the employee shall continue to be paid at the same rate.

F. Overtime

It shall be City Policy to make every effort to eliminate overtime work. However, recognizing that emergencies do occur which require overtime payment to be made, the City shall compensate employees in accordance with the Fair Labor Standards Act and Amendments of 1974, (P.L. 93-259)

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CHAPTER VI

ATTENDANCE AND LEAVE

A. Authorized Leave

Authorized leave is the official recognition of an employee's right to utilize, in the proper manner, any of the legitimate leave he or she has earned while in the employ of the City of Takoma Park. Leave may be authorized with or without pay by the appropriate authority and shall be granted in accordance with these rules on the basis of the work requirements of the departments, and - whenever possible - the personal wishes of the employee.

B. Requests for Leave

For all leave, other than sick and emergency leave, a written request submitted on a Personal Action Form indicating the kind of leave, duration and dates of departure must be approved prior to the taking of leave. In the case of sick and emergency leave, the leave form shall be submitted for approval immediately upon the employee's return to duty. Unless an absence from duty has been duly authorized by the Department Head and the City Administrator, an employee shall not receive compensation for any absence from duty.

C. Accounting Responsibilities and Procedures

Each Department Head shall be responsible for reporting leave used by employees. A Department Head may delegate such reporting responsibility to a supervisor who can visually monitor the absence of an employee.

D. Holiday Leave

(1) The following days shall be recognized as legal holidays for which compensation will be made:

- (a) New Years Day
- (b) Presidential Inauguration Day (every fourth year)
- (c) Washington's Birthday, third Monday in February
- (d) Memorial Day, last Monday in May
- (e) Independence Day, July 4
- (f) Labor Day, first Monday in September
- (g) Columbus Day
- (h) Veteran's Day, fourth Monday in October
- (i) Thanksgiving Day, fourth Thursday in November
- (j) Christmas Eve ($\frac{1}{2}$ day)
- (k) Christmas Day
- (l) $\frac{1}{2}$ day December 31

(2) Compensation for a holiday shall be made only if the employee worked on his or her last regularly scheduled working day prior to the holiday and on his or her first regularly scheduled working day following the holiday. Should an employee be in a full pay status on these two days, for whatever reason, compensation for the holiday shall be paid.

(3) Employees who perform work for the City on a holiday shall be paid at 1½ times their regular rate for hours worked on such day in addition to the amount to which they are entitled for holiday compensation.

(4) Should one of the abovementioned holidays fall on a Saturday, all eligible employees shall take the next regularly scheduled working day as the holiday.

(5) Should one of the abovementioned holidays fall on a Sunday, all eligible employees shall take the next regularly scheduled working day as the holiday.

(6) Police Department personnel working on a rotating shift basis shall be credited with holiday leave when they are working or when they are on a regular day off.

E. Annual Leave

(1) Each full-time and/or probationary employee and permanent part time employee shall be entitled to earn annual leave at a rate in accordance with the following schedule:

- 1 - 5 years of service: 96 hours per year (12 days)
- 6 -10 " " " : 144 hours per year (18 days)
- 11 or more years service: 192 hours per year (24 days)

These rates compute as follows:

- 1 - 5 years of service: 8 hours per month
- 6 -10 " " " : 12 hours per month
- 11 or more years service: 16 hours per month

(2) No employee shall be eligible for annual leave unless he or she has completed 90 days of continuous service.

(3) Leave year refers to the period beginning January 1 and ending December 31 of the same calendar year. All leave calculations will be based on a "leave year" basis.

(4) Once an employee becomes eligible to earn annual leave, he may charge to his annual leave account an amount which is in excess to that which he has actually earned through "years in service". The advance charge must be at a rate which corresponds to an employee's "years in service" and, at "leave year's" end, shall not be in excess of what an employee would have earned for the particular leave year in question had advancement not occurred. Should an employee's request for advanced leave produce a deficit in his projected leave account balance at year's end, the request shall be denied.

(5) Employees are permitted to accumulate unused annual leave in an amount not exceeding 60 days.

(6) Employees whose tenure with the City is terminated, for whatever reason, shall be paid a lump sum amount equal to the balance of annual leave earned from date of service entrance to the final day of the preceding month.

(7) An employee may take his or her annual leave at any time during the calendar year provided the Department Head approves of the schedule. A request for annual leave must be submitted no later than (5) five work days prior to requested vacation time. An employee shall not take more than 15 consecutive work days off without prior written approval by the City Administrator.

(8) Annual leave shall be credited at the end of each calendar month. No leave shall be credited when an appointment is made effective after the 15th of the month. When an employee separates from the City service, no annual leave shall be earned for that calendar month in which the separation occurs.

F. Sick Leave

(1) Each permanent full-time and permanent part-time employee shall in addition to annual leave be entitled to earn sick leave at the rate of 15 days per year or 10 hours per month.

(2) The sick leave year is identical to the annual leave year. All leave calculations will be based on a "leave year" basis.

(3) Employees are permitted to accumulate sick leave without limit.

(4) An employee absent on account of illness or injury is required to notify his or her immediate supervisor by 10 A.M. on the day of the illness. Sick leave shall begin on the day notification is given and terminate upon the employee's return to duty.

(5) Should an employee utilize more than (4) four days' sick leave, he or she may be required to submit to the Department Head a physician's certificate verifying the illness or injury.

(6) An employee who resigns in accordance with the requirements of these regulations shall have any accumulated sick leave remain on the employee's personnel record for a (3) three year period and reccredited to the employee's account in the event the employee is reinstated during this period of time.

(7) Sick leave shall be credited at the end of each calendar month. No leave shall be credited when an appointment is made effective after the 15th of the month.

(8) Sick leave may be taken only when an employee is sick or injured.

(9) In no case will payment be received by an employee for unused sick leave upon separation from City employment.

G. Injury Leave

Any City employee who sustains an injury or contracts an occupational disease directly through the performance of his or her work shall be entitled to injury leave. An employee who utilizes injury leave shall receive full pay without charge against the employee's annual or sick leave account, subject to the following conditions:

(1) If the disability is temporary in nature and complies with the State Workmen's Compensation Act.

(2) Payment of injury leave shall be contingent upon the assignment of Workmen's Compensation Insurance to the employee for the period of injury leave.

(3) An employee who may be eligible for injury leave shall have the first three days of absence from work charged to sick leave. Continuous absence beyond three days shall be cause for granting injury leave. Continued absence beyond 28 days shall be cause to credit the employee's sick leave with three days. For the duration of an employee's injury leave, the City shall pay only the difference between his regular rate of compensation and that amount he will receive through Workmen's Compensation Insurance.

(4) The employee shall be subject to a temporary job-reassignment for the period of the disability without change in pay status, provided the employee is unable to discharge the duties and responsibilities of his assigned position, and subject to a physician's approval, is able to perform the duties and responsibilities of the position to which he or she is temporarily re-assigned. Refusal to accept job re-assignment shall terminate the employee's eligibility to receive injury leave. Should an employee elect not to accept temporary job re-assignment, it shall be the employee's option to either take leave without pay, or charge time off to sick leave.

(5) The granting of injury leave shall in no instance exceed 6 months (except with special approval of the City Council).

(6) Annual leave and sick leave earnings and accrual shall remain unchanged.

H. Military Leave

(1) All requests for military leave other than annual training periods shall be handled in accordance with Section A of the Universal Military Training and Service Act. This leave shall be granted upon presentation by the employee of official orders. Military leave shall be granted for annual training periods not exceeding 15 days upon presentation of official orders. The employee shall be in a full pay status during this period except that monies earned while on active duty will be deducted from his normal earnings with the difference being paid by the City.

I. Maternity Leave

(1) Maternity leave may be granted to an employee at any time during a pregnancy upon a physician's certification that continued employment would be hazardous to the employee's health.

(2) Any pregnant employee wishing to continue work beyond the commencement of the third trimester of pregnancy, must submit a monthly statement from her physician certifying her ability to remain at work.

(3) Upon termination of a pregnancy, an employee may not return to work for a 6-week period, unless a physician's certification is submitted indicating the employee has fully recovered and is fully able to discharge the duties and responsibilities of the assigned position. Maternity leave in all instances shall not be continued in excess of 8 weeks upon termination of the pregnancy.

(4) Maternity leave shall first be charged to sick leave and upon expiration thereof to annual leave. Upon expiration of all annual and sick leave, an employee shall be placed on leave of absence.

J. Bereavement Leave

(1) Each permanent employee may be granted by the Department Head time off with pay, not to exceed three work days, in the event of a death in his or her immediate family. Funeral leave shall not be charged to annual leave, compensatory leave, or sick leave.

K. Jury Leave

(1) An employee who is legally summoned to serve on juries and/or in court trials may be permitted an absence with pay for the entire time required for such duty. Should the employee receive compensation for his jury performance, the City will pay only the difference between the jury compensation and the employee's regular rate of pay, excluding expenses.

L. Civic Duties

(1) Should an employee who is duly eligible to participate in National, State, Municipal or Special Elections, be restricted from doing so by his or her work schedule, the Department Head may provide the employee a reasonable period of time to exercise this right.

CHAPTER VII

SELECTION AND APPOINTMENT OF EMPLOYEES

A. Policy

It shall be the policy of the City of Takoma Park to provide equal employment opportunities to all individuals regardless of race, creed, color, nationality, religion or sex, applying for employment with the City.

B. Recruitment

There shall be no restriction on the geographic area from which qualified candidates for any position within the City service can be recruited. When residents of Takoma Park and non-residents are equally qualified for a vacant position, Takoma Park residents may receive first consideration for appointment; however, this provision should not be construed as a guarantee of employment.

C. Qualification Requirements

When a vacancy occurs in the classified service, the City Administrator shall establish or approve the basic requirements for successful job performance, i.e., qualification requirements. These qualifications shall be based on those as outlined in the job description, as well as other requirements deemed appropriate by the City Administrator and the Department Head. These qualification requirements will serve to measure the characteristics of an applicant as they apply to the probable success of that applicant in a position within the City service.

D. Application

(1) All candidates applying for an available position within the City's classified service must secure and complete an official application form from the City Offices during normal working hours. All application forms must have the applicant's signature affixed thereto, thereby certifying the truth of all statements contained in the application, otherwise the application will be disqualified.

(2) Any individual may submit an application for a position that is not vacant. In this instance, the application will be placed on file and retained for a one year period, then purged from City records.

E. Examinations

(1) Examinations may be administered to candidates applying for positions in the City service. The examination shall include a survey

of an applicant's knowledge, skills and abilities as they relate to the position to be filled. The City Administrator is charged with the responsibility of equitably administering all examinations.

(2) It is to be understood that the results of an examination will serve as a supplementary factor in considering an applicant for employment. The City Administrator shall in each instance determine the relative significance of an examination score in the evaluation of a candidate's total qualifications.

F. Appointment

(1) Applicants and Employment. The Department Head shall interview at least the three most highly qualified applicants that he has identified for an available position. The City Administrator shall have the right to interview any applicant for an available position. It shall be the Department Head's responsibility to recommend a candidate subject to the City Administrator's approval. When favorable judgment is passed on an applicant, a notice to report to work will be given. It shall then be the applicant's responsibility to promptly accept the employment opportunity, otherwise the applicant may be disqualified. Should the applicant accept and fail to report to work within 2 working days after the date established by the Department Head, the applicant shall be dismissed without any compensation.

(2) Permanent Appointment. A permanent appointment indicates the employee is to work for the City on a continuing and indefinite basis, either in a permanent full-time or permanent part-time position as defined by these regulations. Every permanent appointee shall serve a probationary period in accordance with these regulations and not until the official probationary period expires will the appointee receive recognition that his appointment is certified acceptable.

(3) Temporary Appointment. In certain circumstances (i.e., emergencies, seasonal needs, etc.) the City Administrator shall have the authority to appoint an individual to a position for a period of time limited in duration. Every effort should be made to restrict such appointments to a duration of no more than 3 months. However, in extenuating circumstances the City Administrator may approve the continuance of a temporary appointee's tenure with the City, with such approval evaluated on a monthly basis thereafter. There shall be a 6 month limit, whether continuous or intermittent, imposed upon the temporary appointment of an individual within any given 12 month period.

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CHAPTER VIII

PROBATIONARY PERIOD

A. Purpose

The probationary period shall be regarded as an integral period each new employee is granted to prove his ability to perform the duties and responsibilities of the position to which he is assigned. Supervisors and Department Heads shall observe the employee's work and conduct closely to facilitate an effective adjustment for the employee to his position.

B. Duration

Every person appointed to a full-time or part-time permanent position shall be required to successfully complete a probationary period which shall provide the Department Head an opportunity to view the employee's ability to perform the duties and responsibilities of his position. The probationary period shall commence immediately upon original appointment or promotion and may continue for 6 months. Police Officers' probationary period shall be for a one year period.

C. Expiration

When the employee's probationary period has expired the Department Head shall notify the City Administrator in writing that:

(1) The employee's performance was satisfactory and that he shall be retained as a permanent employee in his position.

(2) The employee's performance or conduct was unsatisfactory, and that his removal from the position is recommended. The Department Head shall furnish a list of reasons justifying the recommendation to the City Administrator and to the employee. Upon approval of such recommendation, the Department Head shall terminate the employee. A personnel action form for termination should accompany the recommendation.

(3) An extension of the probationary period is requested to provide for additional observation. The employee shall continue in his position on a temporary basis subject to an additional review to be made within a period not to exceed 3 months.

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CHAPTER IX

PROMOTIONS, TRANSFERS, RESIGNATIONS, LAYOFFS, DEMOTIONS

A. Seniority

Seniority shall mean the length of continuous service an employee has in City employment.

B. Break in Employment

(1) A break in continuous service shall terminate all accrued seniority rights, and may occur in the following fashion:

- (a) Voluntary termination on the part of an employee.
- (b) If an employee is formally discharged.
- (c) If the employee is absent for more than 3 working days without approved leave.

(2) At the City Administrator's discretion, a City employee with at least three years continuous and valuable service, who resigns and is rehired, may have his former service recredited towards his seniority.

C. Promotion Policy

(1) The City encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to positions of greater difficulty and responsibility as vacancies occur. Every City employee shall have an opportunity to apply for a promotion in any City Department. City employees who are equally qualified for an available position with outside applicants shall be given preference over non-City employee applicants. However, should there be an insufficient number of City employee applicants for an available position, the City Administrator may consider outside applicants in order to provide an adequate number of candidates for consideration. City employees who wish to apply for a promotion within the City's classified service must secure an official application form at the City offices during normal working hours.

(2) When passing judgment on a City employee's application for promotion, the City Administrator shall take into consideration the respective Department Head's opinion and the employee's job-related skills, knowledge, abilities, experience and education, which - as construed by the City Administrator - will contribute to satisfactory performance of duties of the position.

(3) Applications for promotion will generally not be reviewed until the employee has been in the City's service for 3 months upon expiration of the probationary period.

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D. Demotion

An employee may be demoted to a position of a lower grade for which he is qualified, for any of the following reasons:

- (a) When an employee would otherwise be laid off because his position is being abolished, his position is reclassified to a lower grade, lack of work, or lack of funds.
- (b) When an employee does not possess the necessary qualifications to render satisfactory service in the position he holds.
- (c) When an employee voluntarily requests such demotion.

E. Transfer of an Employee

(1) Any City employee may apply for a transfer to an available position within the City's classified service by securing an application at the City offices during normal working hours. An application for transfer will be reviewed on the basis of an applicant's ability to discharge the duties and responsibilities of the position. Where all applicants for the position are equally qualified, a City employee requesting a transfer may be given preference over non-City employees.

(2) Any transfer action affecting an employee (i.e., promotion, demotion, temporary assignment, etc.) shall not affect the employee's seniority.

F. Resignation

An employee may resign from the City service in good standing by submitting in writing such intentions and the effective date to the Department Head at least 14 days in advance. The Department Head may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the City Administrator's office accompanied by a statement outlining the employee's performance. Failure to submit a written resignation may be cause for denying future employment with the City.

G. Layoffs

(1) The City Administrator shall have the authority to implement a personnel layoff policy. If such a policy becomes necessary, either for lack of work or fiscal cutback, the laying off or demotion of employees within each class shall be determined by length of continuous service in the Department; that is, the employee with the least seniority in the Department shall be laid off or demoted first. In no instance shall such layoff or demotion be construed as a dismissal for unsatisfactory performances.

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(2) Reinstatement. If within any class that has been affected by a service layoff, cause for reinstatement of a position exists, employees who were laid off last, shall be the first offered re-employment. All employees affected by a layoff within a class shall be offered re-employment prior to any such offering to applicants outside City service.

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CHAPTER X

EMPLOYEE PERFORMANCE EVALUATION

A. Purpose

(1) The City of Takoma Park recognizes the need for an operating employee evaluation system in order to:

- (a) fairly and accurately assess the granting of pay step increases to employees, based upon quality of work;
- (b) fairly and accurately evaluate an employee's strengths, weaknesses, and potential for growth and promotion, and
- (c) provide a method for improving operational programs through employee participation

(2) Pay increases to the next step within a grade are not attained automatically. An employee must earn a pay step increase through proven ability to competently perform the required duties and responsibilities of the position to which the employee is allocated. In order to qualify for a pay step increase, an employee must receive an "acceptable level of competence" review by his or her supervisor. Failure to obtain this classification on the evaluations as scheduled below may result in no pay increase for the employee.

B. Maintenance of the System

The City Administrator's office is responsible for overseeing the employee performance evaluation system. Employee evaluations shall be an ongoing, day-to-day responsibility of all employees at the supervisory level, who shall prepare written evaluation forms for their subordinates as scheduled below.

C. Procedure

Employee performance evaluations shall be conducted on a semi-annual basis for all employees. The first shall commence on December 1; the second shall commence on June 1.

(1) No later than 10 working days after the abovementioned dates, an employee's supervisor shall prepare an "Employee Performance Evaluation Form." The supervisor shall evaluate the employee based on a variety of factors as applied to the assigned duties and responsibilities of the position occupied by the employee as outlined in the job description for that position. The supervisor shall note conspicuous strengths, capabilities and skills as well as weaknesses. The supervisor shall then discuss the evaluation with the employee so that the employee will be informed of his performance in relation to the evaluation standards. The supervisor shall also solicit the employee's observations of the Department's program and his assignments, especially his suggestions for improving assignments, functions, or work

procedures, and any special problems noted. The employee shall have the opportunity to discuss any other point(s) he feels the supervisor may have overlooked and may write any comments he wishes to make on the form. The employee shall sign the form confirming that a discussion was held with the supervisor.

(2) At the time of the evaluation discussion, the supervisor shall also thoroughly review the job description with the employee to note any major changes either of them feel have taken place in the employee's job, and to clarify duties the supervisor assigns to the job. The supervisor with the assistance of the employee shall prepare a written description of major changes, additions, or deletions in the employee's duties, and shall forward this description to the Department Head for his review and approval and forward it to the City Administrator's office for classification review.

(3) Department Head shall review all employees' evaluation forms for completeness and content. The Department Head shall pay particular attention to the employees' suggestions for improving departmental procedures. The Department Head must submit all of the evaluation forms to the City Administrator's office no later than 20 working days after the abovementioned dates.

D. Evaluation Results and Consequences

(1) An "Acceptable Level of Competence" review is an indication that the employee is performing the assigned duties of his or her position in a manner which contributes to the efficient and timely operation of the Department.

(2) An "Unacceptable Level of Competence" review is an indication that the employee is not performing the assigned duties of his or her position in a manner which contributes to the efficient and timely operation of the Department.

(3) Pay step increases shall be determined by the "Level of Competence" review rendered by the employee's supervisor on the following basis:

- (a) When an employee receives an "Acceptable Level of Competence" review on both evaluations in a one year period, his or her pay step increase shall be guaranteed.
- (b) When an employee receives only one "Acceptable Level of Competence" review in a one year period, his or her Department Head shall have the authority to decide whether or not the employee receives a pay increase. Such a determination will be subject to the City Administrator's approval.
- (c) Should an employee receive two "Unacceptable Level of Competence" reviews in a one year period, he or she shall be deemed ineligible for a pay step increase.

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CHAPTER XI

DISCIPLINARY ACTIONS AND DISMISSAL

(1) All employees shall assume personal responsibility for adhering to the regulations necessary to effectively carry out the operations of the departments to which they are assigned. Abrogation of these regulations may be cause for disciplinary action including dismissal.

(2) Department Heads shall assume full responsibility for enforcing these regulations and referring problem situations to the City Administrator's office.

(3) The following types of disciplinary actions are the only ones which shall be used by the City Administrator and Department Heads:

- (a) Oral Reprimand
- (b) Written Reprimand
- (c) Disciplinary Probation
- (d) Suspension (written notice of particulars provided employee)
- (e) Dismissal

The severity of the discipline is a discretionary right belonging only to Department Heads and the City Administrator. The severity of the discipline shall, however, correspond to the severity of the situation.

(4) Reasons for Disciplinary Action - Disciplinary action may be imposed upon an employee for failing to fulfill his or her responsibilities as an employee. The following shall be sufficient cause for imposing disciplinary action upon an employee:

- (a) Willful violation of the City's personnel regulations.
- (b) Documented incompetency or inefficiency in the performance of the duties of the position to which the employee has been appointed.
- (c) Deliberate and wanton negligence in the care and use of City property.
- (d) Habitual tardiness or unauthorized absence from duty.
- (e) Conviction of a felony.
- (f) Conviction of a misdemeanor involving moral discretions.
- (g) Intoxication while on duty.
- (h) Willful violation of any reasonable or official order or failure to carry out any lawful and reasonable directive given by a proper supervisor.
- (i) Any other instance or situation which in the discretion of the Department Head or the City Administrator warrants disciplinary action.

(5) Reprimand Procedures - At his discretion, a Department Head who notes unsatisfactory job performance, noncompliance with Department

regulations, or a display of undesirable personal traits, may issue either an oral or written reprimand to the employee, including reasons for the reprimand, and an offer of assistance on the part of the Department Head in correcting the unsatisfactory situation. The written reprimand is considered of greater severity than an oral reprimand.

- (a) Oral reprimands shall be presented with high regard for minimizing embarrassment to the employee before other employees or the public. The Department Head shall notify the City Administrator in writing that an oral reprimand was issued to an employee and the reasons why. Should an oral reprimand fail to eliminate the cause of such reprimand, a written reprimand may be issued.
- (b) Written reprimands made by a Department Head shall be made known to the City Administrator in writing. Written reprimands may be followed by an employee's request for an appointment with the Department Head, which in all instances shall be honored by the Department Head.

(6) Disciplinary Probation - Should a written reprimand fail to correct unsatisfactory job performance, noncompliance with Department regulations, or display of undesirable personal behavior, an employee may serve a maximum 3 month disciplinary probation, at the discretion of the Department Head and the City Administrator. The employee shall receive a written notice stating reasons for the disciplinary probation and the effective date of such action. The City Administrator reserves the right to determine the length of the probation period; however, he shall implement the recommendation of the Department Head in normal circumstances.

(7) Expiration of Disciplinary Probation - When an employee's disciplinary probation period has expired, the Department Head shall submit in writing to the City Administrator a statement to the effect that:

- (a) The employee's performance and behavior was satisfactory and the employee will be retained in the City's service.
- (b) The employee's performance and behavior remained unsatisfactory and he recommends either suspending or dismissing the employee.

(8) Suspension - At the discretion of the Department Head and City Administrator an unsatisfactory employee may be suspended without pay for a period or periods that do not exceed a total of 30 days in any twelve month period. Such a suspension may be in lieu of a disciplinary probation, depending upon the situation. The employee shall receive a written notice indicating the particulars justifying the suspension and the effective date. At the end of the suspension period and a reasonable observation period thereafter, the Department Head shall inform the City Administrator in writing that:

- (a) The employee's behavior and performance has been improved and the employee will be retained in the City's service, OR

- (b) The employee's behavior and performance has been unsatisfactory and he recommends dismissing the employee.

(9) Dismissal - An employee is subject to dismissal for continued unsatisfactory performance on the job or for violation of the City regulations.

- (a) Before dismissing an employee, a Department Head shall have utilized one or more of the abovementioned disciplinary actions. Depending upon the severity of the situation and at the Department Head's discretion, the normal procedure herein established may be waived. Every effort shall be made to remedy the unsatisfactory situation before dismissal.
- (b) When a Department Head has concluded that a particular unsatisfactory situation is irreconcilable he shall promptly submit a written recommendation to the City Administrator outlining the particulars of the situation and calling for the employee's dismissal.
- (c) Should the City Administrator concur in the recommendation, a letter of particulars will be addressed to the employee outlining the reasons and justification for his dismissal.

NOTE: Where sworn Police personnel are concerned, disciplinary actions and dismissal procedures shall be conducted in accordance with the Police Officers Bill of Rights (Annotated Code of Maryland, Article 27, Secs. 727-734).

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CHAPTER XII

EMPLOYEE DEVELOPMENT

A. Purpose

It shall be the policy of the City of Takoma Park to provide employee development opportunities to the extent possible which will contribute to the development of the City's work force in order that the work force will become more effective and efficient and be better qualified for promotion into vacant positions in the classified service. Furthermore, it shall be City policy to require all employees who receive supplemental training and/or education at City expense at outside facilities to agree to remain in City service for a period of time which shall be no less than 3 times the period of time during which the employee received training, instruction and/or education, or reimburse the City for the cost of such development opportunity.

B. Responsibility

- (1) It shall be the City Administrator's responsibility to:
 - (a) Develop training standards for training opportunities in harmony with the duties and responsibilities of each position.
 - (b) Ensure the employee development program is administered as approved.
 - (c) Encourage employees to take advantage of self-improvement opportunities.
 - (d) Develop a record of all approved training and/or education courses and programs and a record of employees who successfully complete such training and education programs.
- (2) It shall be each Department Head's responsibility to:
 - (a) Provide on the job orientation and indoctrination to new employees immediately following their appointment to a City position.
 - (b) Encourage employees to take advantage of self-improvement opportunities.
 - (c) Fully utilize the skills and capabilities of employees as developed through training programs.

C. Payment for Non-City Provided Training Programs

Depending upon the availability of funds, it shall be City policy to provide 100% of the tuition for training programs which, as determined by the City Administrator, are directly job-related. The tuition for the training program shall be paid by the City directly to the institution on behalf of the employee. Should the employee withdraw

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from the program prior to completion, the tuition rebate shall be promptly returned to the City. Depending upon the further availability of funds, the City shall make every effort to pay for additional costs, i.e., books, supplies, registration fees, etc.; however, this provision shall in no way be construed as a guarantee for such payment.

D. Higher Education Program

(1) It shall be City policy to provide tuition support, depending upon the availability of funds, to any City employee wishing to matriculate at an accredited institution of higher education. The same policy shall apply for those employees wishing to acquire a high school diploma or its equivalent where tuition payments are required.

(2) Tuition support will be made in the form of a reimbursement upon completion of the course. An employee must apply for the tuition support prior to course matriculation and shall fully understand that, if approved, the reimbursement shall be made in the following manner:

- (a) 100% reimbursement for a letter grade of "C" or its equivalent or better.
- (b) No tuition reimbursement for receipt of a grade less than "C" or its equivalent
- (c) In no instance will tuition support payments be made when an employee withdraws from a course prior to its completion.

(3) No City employee will receive tuition support for those courses taken in excess of 2, or for those credit hours taken in excess of 6, whichever is greater, during any semester.

(4) In no instance shall the City provide money for the purchase of non-tuition items, i.e., books, supplies, registration fees, etc.

E. Salary Adjustments

Notwithstanding the acquisition of additional education or training, and in harmony with the concept of "equal pay for equal work", the City shall make no adjustment in an employee's salary unless:

(1) The employee is promoted to a vacant position in the City service, in which case the rate of pay shall be determined in accordance with the regulations in Chapter V on the Pay Plan.

(2) An employee's position is subsequently re-allocated to one with a different pay grade assignment, in which case the rate of pay shall be determined in accordance with the regulations in Chapter V on the Pay Plan.

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CHAPTER XIII

FRINGE BENEFITS

A. Hospitalization

All employees of the City of Takoma Park enjoy a comprehensive program of health insurance (Blue Cross, Blue Shield and Major Medical). This service is provided for the individual employee, completely at the expense of the City; however, every employee has the option of purchasing identical family coverage at a comparatively nominal monthly (payroll deducted) charge. Upon enrollment into this program, each employee is provided with a handbook, illustrating the complete schedule of benefits.

B. Life Insurance

Each City employee is also provided with a term life insurance policy (as long as he/she is in the employ of the City). This policy, provided at no cost to the employee, is equal to the annual salary of the employee (rounded to the highest \$1,000), with minimum coverage being \$5,000.

C. Hours

All City employees (with the exception of the Police Department) work a maximum of 40 hours per week. Employees subject to occasional overtime are paid 1½ times their normal rate of pay.

D. State Retirement

All permanent full time employees (full-time meaning: those employees who regularly work greater than 50% of the normal work standard for that job classification/position) participate in the Maryland State Retirement Systems. Members contribute a percentage of their base salary. The member's percentage rate of contribution is prescribed by law. Effective July 1, 1973, the retirement contribution rate became 5% for all members, except those members who prior to July 1, 1973 contributed at rates less than 5% continue to contribute at such rates. A like amount is contributed by the City. (Upon formal application members may increase the amount of annual contribution to the retirement system.) Members receive an annual statement of "Total Accumulated Contributions with Interest."

Members may voluntarily retire with full benefits at age 60 or with 30 years of creditable service. Members may also voluntarily retire with reduced benefits with 25 years of creditable service. (The member's pension share will be reduced by an annual rate of 6% of its monthly equivalent for each year and/or month of age or each year and/or month of service under 30 years, whichever is smaller.)

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Membership with the Maryland State Retirement Systems is a condition of employment with a participating employer. A member who resigns employment with a participating employer must terminate membership with the Maryland State Retirement Systems. Members who are transferring employment from one participating employer to another participating employer must not terminate membership with the Maryland State Retirement Systems.

A resigning member who submits an "Application for Withdrawal of Accumulated Contributions" will receive an initial refund check for the balance of the member's accumulated contributions credited to the member's account, as of the date processed. Any member contribution in transit at the time of processing the initial refund check will automatically be refunded in a second draft.

Rules and regulations of the Maryland State Retirement Systems are subject to amendment and/or revision or deletion. Inquires regarding the full range of benefits surrounding the program should be directed to the Retirement Coordinator at the Takoma Park Municipal Building.

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CHAPTER XIV

GRIEVANCE PROCEDURE

A. Grievance Rights of Employees

Any employee occupying either a permanent full-time or part-time position, who feels that he or she has received inequitable treatment through some condition of employment shall have the right to appeal, either personally or through a representative, for relief from the condition. No issue involving an increase or decrease of general wages and salary scales, {policy prerogative of the Council}, or any other issue which does not have a direct impact upon the day-to-day working conditions of the employee and relationships with a supervisor shall be considered relevant and consequently shall not be addressed through this grievance procedure.

B. Procedure

All grievances shall be handled in accordance with the grievance procedure set forth herein. The procedure to settle grievances shall be as follows:

- (a) Step 1 - The employee shall first present his or her grievance to the Department Head, who shall make every effort to dispose of the matter forthwith. If the issue cannot be resolved immediately, the employee shall return to work and await the Department Head's written decision. The Department Head shall render such decision within 2 working days upon receipt of the grievance and make copies of the decision available to the City Administrator. Should the decision be unacceptable to the employee, the employee may proceed with the grievance procedure.
- (b) Step 2 - Should the employee elect to exercise his right to proceed with the grievance procedure, he shall petition the City Administrator in writing requesting a review of the case. Such request shall have a list of the particular grievance(s) incorporated therein. The City Administrator shall have 5 working days to reach a decision concerning the grievance. He shall consider all aspects surrounding the grievance, solicit informal testimony from the involved parties and reduce to writing the outcome of his deliberations. Copies of the City Administrator's decision shall be given to the Department Head and the employee.
- (c) Step 3 - Should the employee receive an unacceptable decision, he may petition the City Administrator in writing requesting assemblage of the Personnel Appeal Board. The City Administrator shall promptly notify the chairman of the Personnel Appeal Board to convene for the purpose of adjudi-

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ation. The Board shall hear all facts pertaining to the case, but shall be informal in its conduct. The Board shall convene, hear testimony, and reach a decision within 10 working days upon receipt of the employee's request to convene the Board. The Board shall vote on the grievance and reduce to writing its decision. The decision rendered by the Board shall be final and binding.

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CHAPTER XV

PERSONNEL APPEAL BOARD

A. Composition

There shall be a Personnel Appeal Board composed of 3 members who are qualified voters of the City appointed by the Mayor. One member shall be appointed each year for a term of three years, except that in the first year of appointment the Mayor shall appoint one member for a term of one year, one member for a term of two years and one member for a term of three years. No member shall sit on the Board for more than two consecutive full terms. Any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of that term. Members of the Board shall be compensated for expenses incurred in the conduct of their role as a Board member.

B. Meetings

The Board shall meet for the purpose of organization subsequent to appointment or re-appointment of a member. At this organization meeting, the Board shall elect a chairman and vice-chairman for the ensuing year. All other meetings shall be held for the purpose of hearing employee appeals and shall be called by the chairman upon receipt of proper notification to convene. The Board shall convene, hear testimony, and reach a decision within 10 working days upon receipt of notification to convene.

C. Authority

(1) The Board shall be the final arbiter in all cases brought before it.

(2) The Board shall have no authority in employee grievance matters of the type mentioned in Paragraph A of Chapter XIV.

(3) The Board shall have the authority to convene and dispose of an issue upon direct petition from an individual who has been terminated at the expiration of the probationary period.

(4) The Board's power shall not be extended to personnel matters beyond the authority granted it in this chapter and in Chapter XIV.