

THE CITY OF TAKOMA PARK, MARYLAND

Special Meeting of the Mayor and Council  
November 14, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Acting Corporation Counsel Silber
Councilmember d'Eustachio	
Councilmember Haney	
Councilmember Iddings	
Councilmember Levy	
Councilmember Williams	
ABSENT: Councilmember Sharp	

The Mayor and City Council convened in Special Session, called by Mayor Del Giudice, at 5:30 P.M. on November 14, 1986. The meeting was for the purpose of considering the request by The Great Peace March to use Jequeie Park, and was held in the Mayor's Office.

The Mayor explained that a number of meetings had been held with representatives of the march and those persons were present at the current special meeting. He said the group wished to use the park beginning on Sunday, November 16, after 12 noon, through the following Saturday, November 22. He said approximately 25 vehicles and 500 persons would be initially involved and occupying the camp site; the recommended plan would be that most of the heavy vehicles supporting the marchers would be parked on Takoma Avenue in the permit parking area; additional smaller vehicles would be parked in the Municipal lot; the only vehicle parked on Albany Avenue would be the kitchen facility (to avoid people having to cross the state highway to reach the kitchen for food). He said the City would provide two dumpsters which would arrive on Saturday and be put in place by Public Works (cost estimate of the dumpsters by Public Works Director Robbins was \$200). He pointed out that use of City parks is permitted under the City Code so long as a resident seeks permission to do so, and said residents were so doing on behalf of The Great Peace March, including Michael Hasty representing the Takoma Park Peace Taskforce who will act as host. Additionally, he said special exceptions can be made under the Code by either the Police Chief or Director of Recreation to permit use of the park after 9 P.M. -- said Chief Fisher had already provided a memorandum concerning the special exception which would extend the hours of use of the park under his authority. The Mayor said assurances had been given the City by representatives of the march that vehicles would be kept off the grass areas of the park; Public Works Director Robbins has stated that so long as we don't experience serious inclement weather, cost to the City and risk of damage to the park area would be minimal; should inclement weather occur, the cost of damage could rise to \$1,000+ (perhaps as much as \$6,000 depending upon circumstances). He said the Police Department had stated that with overtime hours and extra personnel on Sunday and early in the week, they should be able to handle any problems that arise (estimated cost was \$1,400 for overtime and extra hours). He noted the march would be providing their own sanitary portable toilet facilities, as well as tents and other provision for shelter. It was noted that no serious incidents requiring police action had occurred during the march; the Mayor noted that the most serious question that arose was that of liability and insurance -- he said it had been ascertained from the insurance carrier that this particular event would be covered so long as it was approved and permitted in accordance with the Code. He said the march would provide a waiver as to any injuries sustained by individuals; however, noted that under state law, liability of a child could not be waived so there would be risk to the City in the event a child (and there are children in the group) were injured. He said there might also be liability if someone not a participant in the march were injured by a marcher or the march equipment; said difficulty is created by the fact that the march itself is uninsured, however, said the march had proceeded across the country without insurance and other communities had obviously been at similar risk. He commented the situation had been researched by Acting Corporation Counsel Silber and the march's legal representative, Daniel Chavez, both of whom were present.

Ms. Silber remarked that the march would be putting up monetary security -- at present they had \$3,000 and it was hoped by Saturday they would have up to the possible \$6,000 amount that could possibly be incurred as damages according to Mr. Robbins' estimate; she noted a draft agreement was



presently being drafted by her office. She commented that waivers of hold harmless, or indemnifications, were not backed up by any insurance on the part of the march, so any major losses above and beyond the security amount furnished would fall back on the City and its insurance carrier. The Mayor noted that the limits of the City's liability insurance was \$1,000,000; excess liability covers anything above and beyond that. He said assurance had been gotten from the county that they would waive any health code requirements related to use of the park, i.e., they would waive the requirement that the group get a county permit (negotiated between Ms. Silber's office and the county). He said the only permit the county would require would be a food permit and his understanding was that the county inspector would meet the march representatives at Jeque Park on Sunday and obtain from them the permit application, inspect their kitchen facility, and issue a permit at that time.

For the record, the Mayor mentioned that he, Councilmember Sharon Levy, and Jay Levy had contacted numerous citizens residing in the area of the park, as well as representatives of North Takoma Citizens' Association, and while some questions and concerns were raised about the park's physical capacity to withstand the event, most individuals contacted were favorable to the proposed use. Ms. Silber commented there would be provision in the agreement that it could be revoked by the City if necessary.

Daniel Chavez expressed thanks on behalf of the march to the City and its officials; concerning any uneasiness about possible harm to the park property, he said there were a number of environmentalists, forest rangers, etc. among the march contingent and noted the group had received commendations from the U.S. Department of Forests, Department of the Interior for not only preserving park properties they had utilized on their journey, but for, in fact, improving upon them in such ways as cleaning up litter and debris.

Councilmember Iddings commented that the permit parking area was at least a block away from the park and wondered whether it might not be better to temporarily suspend the no parking zone on Takoma between Fenton and Piney Branch and allow the marchers to park there. Councilmember Levy raised questions concerning parking that would appropriately need input from area residents prior to final resolution; the Mayor commented that at present it might be best to consider a waiver of the permit parking on Takoma Avenue and, if it became necessary to do anything else, it could be considered Monday night, November 17, at which time there will be a Special Session convened at 8:00 P.M. to address matters related to The Great Peace March. Councilmember Iddings suggested that the Police Department might be requested to use discretion in the issuing of parking tickets during the visitors' stay at the park.

The Mayor noted, for the record, that Councilmember Williams had arrived for the meeting. He also commented that the march had been advised of the City's concern that traffic be kept on the major highways and off the residential neighborhood streets and they had acknowledged and recognized that request, as well as the expressed need for quiet during nighttime hours after 9 P.M. Ms. Silber briefly noted the community organizations, including churches and the Peace Taskforce, which were in support of the march. Councilmember Bradley expressed support for the event; said questions she raised earlier were primarily related to insurance coverage and liability. She said she wished the group was insured because there had been an instance a little over a year ago wherein a community group had to be denied use of the park for a circus because they had neither insurance nor could they post a bond -- said she was glad the march could put up the bond. She expressed some concern about the use being considered precedential. Ms. Silber commented she had represented the Co-Op at the time they requested to use the park for a circus, and said the two uses could not be considered in any way comparable.

For the record, Mayor Del Giudice remarked that he had prepared a letter for distribution to the immediate neighborhood surrounding the park informing them of the event; Councilmember Levy had volunteered to assist with distribution and probably representatives of NTCA would also help. He said marchers would try to stay clear of the playground equipment so that neighborhood children could still make use of the park. Councilmember Iddings commented he felt it was a good opportunity for the community to be able to accommodate the marchers; hoped some sort of community social event



with the marchers could be planned for mid-week. The Mayor noted that the City's cable TV office had expressed interest in doing a segment on the march participants reflecting their thoughts, anticipation of going home, etc. In conclusion, he commented that what was now needed was a resolution authorizing use of the park, an agreement for signature, and suspension of the permit parking on Takoma Avenue. Councilmember Iddings moved approval of a resolution authorizing the Mayor, on behalf of the City and community organizations, to approve use of Jequie Park by The Great Peace March; the motion carried unanimously.

Upon motion, duly seconded, the Special Session adjourned.

Beginning on Sunday, November 16, our community will be welcoming members of the Great Peace March to camp for a few days at their final overnight before returning to their homes around the nation.

The Great Peace March, about which you may have heard in the national media, is a first across America just completed by a group of people from all walks of life who are committed to realizing world peace and nuclear disarmament.

Their final encampment will be at Jequie Park, and will last no longer than one week. The campers will be about 500 strong on Sunday, and their numbers will dwindle as the week goes on. All of the marchers will be gone by 9 p.m. on Saturday, November 21.

The City will be working closely with the campers to coordinate all special arrangements including additional security, sanitary facilities and parking, and to ensure that this brief encampment runs smoothly and creates no major inconveniences to Takoma Park residents.

The marchers are a self-contained city. They bring with them their own kitchen and sanitary facilities. Please note, however, that there will be trailers and buses in the permit parking area on Takoma Avenue this week and there may be some inconveniences.

We hope that you will welcome this special opportunity to host the Great Peace Marchers, and that you will enjoy sharing the warm community that we have created together.

If you should have any questions at all, please call City Hall at 270-1700. Any issues or situations relating to public safety should be referred directly to the Takoma Park Police Department at 270-2100. Also, if you have any special concerns, there will be a meeting of the Mayor and Council on Monday, November 17, 1986 at 8:00 p.m. to which you are invited.

Thank you for your understanding and cooperation.

Sincerely,

Stephen J. Del Giudice  
Mayor



# *City of Takoma Park*

*Takoma Park, Maryland 20912*

November 14, 1986

OFFICE OF THE  
MAYOR

Dear Neighbor,

Beginning on Sunday, November 16, our community will be welcoming members of the Great Peace March to rest for a few days at their final encampment before returning to their homes around the nation.

The Great Peace March, about which you may have heard in the national media, is a trek across America just completed by a group of people from all walks of life who are committed to realizing world peace and nuclear disarmament.

Their final encampment will be at Jequie Park, and will last no longer than one week. The campers will be about 500 strong on Sunday, and their numbers will dwindle as the week goes on. All of the marchers will be gone by 9 p.m. on Saturday, November 22.

The City will be working closely with the campers to coordinate all special arrangements including additional security, sanitary facilities and parking, and to ensure that this brief encampment runs smoothly and creates no major inconvenience to Takoma Park residents.

The marchers are a self-contained city. They bring with them their own kitchen and sanitary facilities. Please note, however, that there will be trailers and buses in the Permit Parking area on Takoma Avenue this week and there may be some inconveniences.

We hope that you will welcome this special opportunity to host the Great Peace Marchers, and that you will enjoy sharing the warm community that we have created together.

If you should have any questions at all, please call City Hall at 270-1700. Any issues or situations relating to public safety should be referred directly to the Takoma Park Police Department at 270-1100. Also, if you have any special concerns, there will be a meeting of the Mayor and Council on Monday, November 17, 1986 at 8:00 p.m. to which you are invited.

Thank you for your understanding and cooperation.

Sincerely,

Stephen J. Del Giudice  
Mayor



C I T Y O F T A K O M A P A R K , M A R Y L A N D

Special Session of the Mayor and City Council

November 17, 1986

8:00 PM

AGENDA

8:00 CALL TO ORDER: Mayor Del Giudice ✓  
ROLL CALL: Councilmember Bradley ✓  
Councilmember d'Eustachio ✓  
Councilmember Haney ✓  
Councilmember Iddings ✓  
Councilmember Levy ✓  
Councilmember Sharp ✓  
Councilmember Williams ✓

FLUDGE

- (1) Resolution pertaining to "The Great Peace March"  
Citizens comments  
Council action

ADJOURN

-----  
The Special Session will be followed by Council Worksession

COUNCIL WORKSESSION AGENDA

- 8:30 (1) Discussion of proposed purchase of Park Ritchie by  
Southern Management
- 9:15 (2) Discussion of Erie/Flower/Piney Branch Commercial  
Districts (Dan Neal)
- 9:30 (3) Discussion of Personnel Procedures Ordinance
- 10:15 (4) Discussion of Collective Bargaining Ordinance
- 11:00 (5) Discussion of ordinances pertaining to Housing/COLTA  
(Sharp)
- 11:30 (6) Discussion of appointments to Revenue Taskforce
- 11:45 (7) Discussion of establishment of Martin Luther King, Jr.  
Commemoration Committee (Mayor)



THE CITY OF TAKOMA PARK, MARYLAND

Special Session of the Mayor and Council  
November 17, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Ec. & Community Dev. Coordinator Neal
Councilmember Haney	
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and Council convened in Special Session at 7:30 P.M. on November 17, 1986. Following the pledge, Mayor Del Giudice noted that while the Minutes of the November 14, 1986 Emergency Special Session had been prepared, he would recommend postponing approval until the 11/24/86 Regular Meeting of the Mayor and Council to allow for review. He related that the emergency meeting was called to consider the request made by The Great Peace March to use the City-owned Jequie Park in Ward 1. He briefly summarized the November 14 meeting and read and moved passage of a Resolution supporting and welcoming the marchers. The motion was duly seconded by Councilmember Levy.

The Mayor of Peace City, Diane Clark, thanked the Mayor and Council for all their assistance and their support of and concurrence with the ideals of the march. She spoke favorably about the city, its kind and helpful residents, and community spirit.

Councilmember Levy commented that the language of the Resolution was from the heart and injects meaning into the City's Nuclear Free Zone Ordinance; she mentioned the potluck dinner scheduled for the following evening at the Takoma Park Presbyterian Church in honor of the marchers and encouraged all who could to attend and bring a dish to share.

The question was called; the Resolution was passed by unanimous vote.

RESOLUTION #1986-72  
(attached)

Ms. Clark related that the marchers had customarily planted a tree and presented elected officials with a little wooden key in towns where they stayed during their cross-country trek, however, had depleted their supply. She hoped, however, that a tree the group had ordered would be planted in Jequie Park to commemorate their stay there. She introduced a few of the remaining marchers who were present. Councilmember Iddings noted, for the record, that New Zealand, the native land of some of the marchers, had been an inspiration for many Takoma Park residents in their stance forbidding the entering of warships into their harbors and in declaring their country a Nuclear Free Zone.

Councilmember d'Eustachio related that there would be a hearing on November 20 concerning application for a liquor license filed by an establishment on Carroll Avenue, an Italian restaurant, and noted that the City had received no formal notification. He moved that City staff be directed to contact the Montgomery County Liquor Control Board (or appropriate agency) and request a stay of the hearing to allow time for the City to adopt a position on the matter and afford an opportunity for input. The motion was duly seconded, carried unanimously.

Upon motion, duly seconded, the Special Session adjourned, to reconvene in worksession.



RESOLUTION

#1986-72

WHEREAS, The Great Peace March for Global Disarmament has made Takoma Park, Maryland the site of their final encampment; AND

WHEREAS, The Great Peace Marchers, a diverse but unified collection of people from all walks of life, are committed to achieving global disarmament and world peace through responsible and creative civil action; AND

WHEREAS, The Mayor and Council of the City of Takoma Park, one of the nation's first Nuclear Free Zones, share these goals and applaud the spirit and the reality of The Great Peace March.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council, on behalf of the people of Takoma Park, hereby extend a warm welcome to The Great Peace Marchers after their long march across America for world peace; AND

BE IT FURTHER RESOLVED THAT the Mayor and Council wish peace and fulfillment to each and every Great Peace Marcher, knowing that the spirit of The Great Peace March will live on in each one of them as they return to their homes and communities throughout this country and the world.

November 17, 1986

\_\_\_\_\_  
Stephen J. Del Giudice  
Mayor

ATTEST:

\_\_\_\_\_  
James S. Wilson, Jr.  
City Administrator





USE AGREEMENT BETWEEN THE CITY OF TAKOMA PARK  
AND THE GREAT PEACE MARCH FOR GLOBAL DISARMAMENT, INC.

November 14, 1986

This Agreement, entered into this 14th day of November, 1986 by and between the City of Takoma Park (hereinafter referred to as "City"), a municipal corporation in the State of Maryland, The Great Peace March for Global Disarmament, Inc. (hereinafter referred to as "March"), a non-profit corporation formed under the laws of California, The Takoma Park Peace Taskforce (hereinafter referred to as "Taskforce"), The Pilgrim Community of the Takoma Park Presbyterian Church (hereinafter referred to as "Community"), The Nuclear Free Takoma Committee (hereinafter referred to as "Committee"), and the Takoma Artists Guild (hereinafter referred to as "Guild"); WITNESSETH:

WHEREAS, The City is the owner of Jequie Park, located in its jurisdiction; and

WHEREAS, The March is desirous of using Jequie Park and certain specified other City parking sites, and

WHEREAS, the Taskforce, Community, Guild, and Committee are unincorporated associations which support the goals and ideals of the March and wish their City to provide hospitality by use of Jequie Park to make the March's stay in the Washington area possible.

NOW, THEREFORE, in consideration of the premises and mutual promises herein contained, the parties hereto mutually agree and consent to the following:

1. The City will permit the March to camp at Jequie Park from Noon Sunday, November 16, 1986 until nine (9:00) PM Saturday, November 22, 1986, so long as it complies with representations made to City officials and all other terms and conditions of this contract, which



incorporates by reference all Park Rules and Regulations of Takoma Park which were reviewed by the March before applying for a Use Permit.

2. The March will obey City ordinances pertaining to noise, and in addition, will observe quiet hours from 9:00 PM to 6:00 AM.

3. The March and all its participants authorized herein must comply with all of the conditions of the park permit and this contract and will obey all directions of City officials.

4. All sidewalks, walkways, roadways, and park playground must remain unobstructed to allow for the reasonable use of these area by pedestrians, vehicles, and other park visitors from the general public.

5. The area must be left in substantially the same condition as it was prior to the activities authorized herein, and all litter shall be placed in the trash containers provided. The City agrees to provide the dumpsters at no cost to the March.

6. The City reserves the right to immediately revoke this permit at any time should it reasonably appear that the public gathering presents a clear and present danger to the public safety, good order or health, or if any conditions of this contract are violated.

7. March vehicles will park only in designated areas, will use only major thoroughfares, and will not use interior neighborhood streets.

8. March will provide a security deposit of up to \$6,000 for unforeseen property damage or repair. The security deposit shall be returned to the March forty-eight (48) hours after the March leaves the Park, minus necessary expenditures, if any, whether paid or



reasonably anticipated by City officials.

9. The March, its officers, employees, agents, any individual participants in its activities shall indemnify and save harmless the City from and against all actions, liability, claims, suits, damages, cost or expenses of any kind, including legal fees and costs, which may be brought or made against the City of which the City must pay and incur by reason of or in any manner resulting from injury, loss or damage to persons or property resulting from its negligent performance of or failure to perform any of its obligations under the terms of this contract or agreement.

10. In consideration of the City's allowing the March to use parkland and other City facilities, the March hereby agrees to hold harmless the City, their officers, employees and agents from any and all claims, actions, or judgments arising out of any violation of any law and from any and all claims for loss, damage, or injury, including death or property damage of whatever kind or nature, arising from the activities of the March, including, but not limited to, the negligence or carelessness of the March, its agents, servants, or employees, or any of its participants or of the City.

11. The March further agrees to defend against any claims brought, or actions filed, against the City and arising out of the March's use of the facilities described herein, whether such claims or actions are rightfully or wrongfully brought or filed.

12. The March will be responsible for its own security and for the health and welfare of the participants of the March, including but not limited to providing sanitation and water.

13. The Taskforce, Community, Committee and Guild hereby agree to assist the March and the City to facilitate the Terms and



Conditions of this Agreement.

In Witness Whereof, we have set our hands and seals on the date first hereinabove written.

ATTEST: Anna Bennington BY: Stephen J. Del Giudice  
Mayor, Stephen J. Del Giudice  
The City of Takoma Park, Maryland

ATTEST: Anna Bennington BY: Daniel Chavez  
Daniel Chavez  
Legal Director, The Great  
Peace March

ATTEST: Anna Bennington BY: Jay Levy  
Jay Levy  
Takoma Park Peace Taskforce

ATTEST: Anna Bennington BY: Sue Wheaton  
Sue Wheaton  
Pilgrim Community of the  
Takoma Park Presbyterian  
Church

ATTEST: Anna Bennington BY: Michael C. Hasty  
Michael Hasty  
Nuclear Free Takoma Park  
Committee

ATTEST: Anna Bennington BY: Thomas Morris  
Thomas Morris  
Takoma Park Artists Guild



CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and City Council

November 24, 1986

8:00 PM

AGENDA

- 8:00 CALL TO ORDER: Mayor Del Giudice  
ROLL CALL: Councilmember Bradley  
Councilmember d'Eustachio  
Councilmember Haney  
Councilmember Iddings  
Councilmember Levy  
Councilmember Sharp  
Councilmember Williams
- 8:02 PLEDGE
- 8:05 ADOPTION OF MINUTES OF OCTOBER 22, 1986 SPECIAL SESSION & PUBLIC HEARING AND  
NOVEMBER 14, 1986 SPECIAL COUNCIL MEETING
- 8:10 MAYOR DEL GIUDICE'S COMMENTS AND PRESENTATIONS
- 8:20 ADDITIONAL AGENDA ITEMS
- 8:30 CITIZENS' COMMENTS (those not directed at items on Council Agenda)
- ADMINISTRATIVE REPORTS
- 9:00 (1) Resolution supporting Amnesty International  
Citizens comments  
Council action
- 9:15 (2) Resolution appointing members to Revenue Taskforce  
Citizens comments  
Council action
- 9:30 (3) Resolution appointing members to Martin Luther King, Jr. Commemoration  
Committee  
Citizens comments  
Council action
- 9:35 (4) First Reading of Proposed Collective Bargaining Ordinance  
Citizens comments  
Council action
- 10:20 (5) First Reading of an ordinance establishing Personnel Procedures  
Citizens comments  
Council action
- 11:05 (6) Ordinance awarding design contract for Spring Park (one reading/budget  
funding approved)  
Citizens comments  
Council action
- 11:15 (7) Resolution of City support for youth care services within community  
Citizens comments  
Council action
- 11:25 (8) First Reading of an ordinance establishing Stop Signs on Maple at Erie  
Avenue  
Citizens comments  
First Reading
- 11:35 (9) First Reading of three ordinances pertaining to Housing/COLTA issues  
Citizens comments  
First Reading

ADJOURN

-----  
REMINDERS: Monday, December 1, 7:30 PM -- Council Worksession  
Tuesday, December 2, 7:30 PM -- Housing Taskforce Public Forum  
Monday, December 8, 8:00 PM -- Regular Council Meeting



THE CITY OF TAKOMA PARK, MARYLAND

Regular Meeting of the Mayor and Council  
November 24, 1986

CITY OFFICIALS PRESENT:

Mayor Del Giudice	City Administrator Wilson
Councilmember Bradley	Asst. City Administrator Habada
Councilmember d'Eustachio	Acting. Corp. Counsel Silber
Councilmember Haney	Asst. Acting Corp. Counsel Hessel
Councilmember Iddings	
Councilmember Levy	
Councilmember Sharp	
Councilmember Williams	

The Mayor and City Council convened at 8:28 P.M. on November 24, 1986, in the Council Chamber, 7500 Maple Avenue, Takoma Park, Maryland. Following the pledge, the Minutes of the October 22, 1986 Special Session and Public Hearing and the November 14, 1986 Special Meeting were presented for approval. Councilmember Sharp asked that the record reflect that the reason for his absence from the November 14 meeting was that attempts to contact him were unsuccessful, thus he was unaware of the meeting being called. Councilmember Bradley moved approval of both sets of minutes, as written, duly seconded by Councilmember Haney; motion carried unanimously. For the record, Mr. Wilson noted the volume in terms of thickness of the 10/22/86 minutes.

Councilmember Bradley noted the death of Charles Van Tassel, a longtime city resident who was active in community affairs, following a lengthy bout with cancer. A moment of silence was observed in commemoration of Mr. Van Tassel. Councilmember Williams commented on Mr. Van Tassel's helpfulness to him; said he was shocked by his sudden demise.

Mayor Del Giudice expressed thanks to City staff, particularly the Police and Public Works Departments, as well as Councilmember Levy and her husband Jay, and many other residents and organizations who welcomed and assisted the Great Peace March participants during their stay in the City. He noted that following departure of the marchers from Jequie Park, the greatest cleanup problem encountered was not related to the marchers but to the party with whom the City contracted for dumpster service -- the company failed to show up to empty the dumpsters, thus when it was time to clean up there was no place to put the trash -- fortunately, Public Works was able to respond with a couple of dump trucks so the cleanup could be accomplished.

Mr. Wilson noted receipt of a telephone call earlier in the day from Asst. Corporation Counsel Mark Hessel concerning the pending Lake Street Variance; he said the Variance had been amended and hearing scheduled for December 10, thus, Council's consideration of the issue would have to be scheduled prior to that date. The Mayor proposed that the issue be scheduled for the December 1 worksession for discussion, with action to be taken on December 8. Councilmember d'Eustachio asked that the matter be scheduled for Public Hearing on December 8, with notification to residents of Spring Avenue, and those blocks of Poplar and Cockerille that will bound on Lake Street, in order to afford affected citizens an opportunity for input on the issue. It was noted the Public Hearing would be publicized in the Newsletter, as well as the Journal.

ITEMS FOR COUNCIL ACTION:

1. Resolution supporting Amnesty International.

Councilmember Bradley introduced the Resolution and spoke briefly giving background information. Councilmember Haney read the document aloud. Jerry Epstein, representing a group of local members of Amnesty International, spoke in support of the Resolution and explained the organization's program, purpose and goals; he noted that this year marked the 25th anniversary of Amnesty International and explained that it would be commemorated by a nationwide letterwriting campaign to further its goals. Councilmember Bradley hoped that an article could be published in the Newsletter encouraging City residents to participate; she moved passage of the Resolution, duly seconded by Councilmember Haney; motion carried unanimously. Ms. Bradley explained the individual letters which had been prepared for signature by the Mayor and Councilmembers; each noted to whom his/her letter was addressed. Councilmember Haney noted, due to the nature



of his federal government employment, he would have to receive clearance from his employer prior to signing his letter.

RESOLUTION #1986-73  
(attached)

2. Resolution appointing members to Revenue Taskforce.

The Mayor commented he did not believe the original intent included a requirement that the 7 City Wards specifically be represented on the committee; he noted requests for nomination for membership from Thomas Gagliardo and Lou D'Ovidio. Councilmember Sharp commented that he was aware of an individual living outside the City who had previously expressed interest in serving on the committee; said he would contact him to see if he still wished to do so. It was noted that persons living outside the City could perhaps serve as associate or auxiliary (non-voting) members. Councilmember Sharp suggested that the deadline for appointments be extended to July 1 to allow for additional members to be named; the Mayor concurred and said he would accept that as an amendment to the original resolution, however, said he would like to see interim reports forthcoming from the committee during the upcoming budget cycle in response to specific questions that may be directed to them. Councilmember d'Eustachio moved passage of the Resolution, duly seconded by Councilmember Sharp; motion carried unanimously.

RESOLUTION #1986-74  
(attached)

3. Resolution appointing members to Martin Luther King, Jr. Commemoration Committee.

The Mayor commented he had requested that staff contact Councilmembers for nominations for membership on the committee and was not sure that opportunity had been afforded; thus, he suggested deferring the item until the next regular meeting so that individuals interested in serving could be sought. Councilmember Williams commented on his efforts of the last 4 years in planning a commemorative service for Dr. King, which he noted had been held on April 4 (prior to its becoming a federal holiday). He suggested Paul Berry as a possible key speaker for the observance this year. The Mayor asked that Councilmembers give some thought to residents of their Wards who might like to serve on the committee and asked that Councilmember Williams also participate in the planning effort. Councilmember d'Eustachio suggested asking Cicero Satterfield of Ward 3 to participate -- said he had been active in a number of such projects. Councilmember Levy suggested Stanley Parris for membership. The Mayor asked that Councilmembers contact City staff with their nominations and addresses of nominees, with the item to be rescheduled for the December 8 meeting.

4. First Reading of Proposed Collective Bargaining Ordinance.

Councilmember Sharp commented that this item and the one following it could consume a great deal of discussion time if no limit were imposed; the Mayor recommended that a limit of 45 minutes be set for comments/discussion, noting that the item would again come up at a worksession prior to Second Reading. Councilmember Sharp moved to limit debate on item 4 to 45 minutes, duly seconded by Councilmember Levy; motion carried with Councilmember Iddings voting Nay, balance of Council voting Aye. Acting Corporation Counsel Silber noted that the 4 items listed under "Issues" in her cover memorandum were those policy questions remaining to be addressed.

Concerning Issue 1, Councilmember Iddings remarked that those employees excluded from the bargaining unit as set forth in Secs. BB-202(b) and (h) were alright with the potential exception of Police Sergeants -- he inquired why individuals holding that rank would be excluded. Ms. Silber stated that her suggestion was that Sergeants be treated as those in other departments who were at that approximate management level; she pointed out that direction on that question had been sought from the City Administrator and Asst. City Administrator and their recommendation had been that the line be drawn there. She noted that point had been present in every draft of the legislation to date, however, had not previously come up for discussion. Councilmember d'Eustachio inquired whether Chief Fisher or any other members of the Police Department had been approached on this issue or any input sought from them; Mr. Wilson stated he had mentioned it, however, had received no feedback or expression of concern. The Mayor noted that both Sergeants Goetz and Rosenthal had sat through at least one discussion



of the legislation, however, he said he had not heard any opinion of this particular question from either of them. Councilmember d'Eustachio reminded that at one point in time, Sgt. Goetz had opined that the Police Department should be a separate bargaining unit. Following brief discussion concerning the small size of the department and the function of the Sergeants, Mr. Wilson noted that the primary reason for excluding Sergeants from the bargaining unit was the fact that during the night time shifts, the Watch Commanders (Sergeants) are in sole command. Councilmember Iddings commented he thought a Captain and 2 Lieutenants were approved in the departmental reorganization in order to remedy the situation of Sergeants being in command of the department. Mr. Wilson stated that only 1 Lieutenant position was approved in the budget. In response to query from Councilmember Bradley, he stated that the Police Department currently has 9 Sergeants, 7 of whom are at maximum longevity on the payscale. Councilmember Bradley pointed out that while persons holding that rank may supervise others, they probably do not set policy, thus should most appropriately be included in the bargaining unit; she inquired how the question is handled in other jurisdictions. An unidentified AFSCME representative commented that the matter is generally handled based on actual duties and functions rather than rank or title -- if they in actual fact have responsibility in making recommendations for hiring, firing, discipline and other traditional supervisory roles, then they should be excluded from the bargaining unit. He said in most jurisdictions, Sergeants do have ranking, authoritative, disciplinary roles that would exclude them from the unit. In response to query from the Mayor, Mr. Wilson stated that Sergeants are part of the evaluation process and do make recommendations about those whom they supervise, as well as filing reports of any personnel committing misdeeds on duty. It was noted that Corporals have also performed for extended periods as Shift Commanders; Mr. Wilson commented he did not approve of that practice, however, that level of detail had been left to the discretion of the department to date. In response to Councilmember Levy, Mr. Wilson stated that Shift Commanders do have influence over firing of personnel, but not in terms of hiring. Councilmember d'Eustachio commented he would lean toward including Police Sergeants in the bargaining unit, however, would not be comfortable with making a final decision at present without an opportunity to gather further information. Ms. Silber suggested that other positions on a similar level might also be examined in the same context concurrently with the Sergeants, e.g., the Accounting Supervisor, Sanitation, Shop and Street Supervisors at Public Works. Councilmember Levy commented on the difficulty of making a decision affecting employees without some feedback from the employees; said she would wish to talk with some employees prior to making a decision regarding the police Sergeants. The Mayor commented that the sense he had was that Council should move ahead, leaving Sergeants as a part of the management unit rather than the employees' bargaining unit. Councilmember Iddings expressed concurrence with Councilmember d'Eustachio's comments; said he saw Sergeants as interpreting policy on the street rather than developing policy, and thus, thought they should probably be included in the bargaining unit; he said he would like to get some feedback on the subject from Chief Fisher, who would also be aware of Montgomery County's policy. Mr. Wilson commented he would see that Council was also provided with the Sergeants' position descriptions so they could see what is encompassed in the performance of those individuals' jobs. Ms. Silber remarked that while management and supervisory personnel were lumped together in a meet and confer unit, the test for whether or not the person should be in the bargaining unit differed for supervisors and managers; she explained that management primarily makes policy, while whether or not an individual was considered a supervisor depended upon the number of people he/she supervises and the percentage of their work day devoted to direct supervisory tasks and the sorts of supervisory duties they are responsible for, such as recommendations for discipline, etc.

Concerning "confidential" employees, Councilmember Bradley inquired how the Secretarial and Clerical help in the City Administration Offices would be affected by the ordinance inasmuch as reference is made to regular access to privileged information or labor policies. Mr. Wilson commented that would seem to include all personnel in the front office with perhaps the exception of the two clerical persons who could be excluded from seeing information that is policy-oriented or confidential; however, he pointed out that that is not presently the practice. Councilmember Bradley remarked that, based on personal experience, she had questions about the people in the front office and which ones should be excluded from the bargaining unit; said she would think the work flow could be arranged such



that all would not have to be compromised by having access to confidential information. The Mayor commented that would be dependent upon the internal workings of the office, which have, up until the present, been very flexible and open as to who did what, and that would now have to be altered and clarified as to which employees are responsible for what so that it will be clear which employees will be considered confidential under the ordinance. He said that task would primarily be the responsibility of the City Administrator, in that he would determine who would be handling personnel matters, who reports to whom, and who would be dealing with management information and documents; said he thought some of the new additional staff would be a help in delineating the aforementioned responsibilities. He said he would not want to see the ordinance definition of "confidential employee" used to exclude all those workers in the City Administration office unless the policy remained status quo in that they would all be handling confidential materials. Councilmember Bradley commented she would like to see that clarification provided for the next worksession so that Council could understand which employees in the front office would be allowed to be a part of the bargaining unit.

Councilmember Iddings pointed out that, given the removal of the meet and confer unit from the definition of units in the ordinance, there remained language in Sec. 8B-202(d) "Employee rights;" requiring cleanup.

The Mayor read item 2. under "Issues" of Ms. Silber's 11/21/86 memorandum, which raised questions about appropriate remedies for an illegal strike. He noted that Sec. 8B-208(e) was very broad, leaving the remedy open to determination on a case by case basis by the State Department of Labor and Industry. Ms. Silber commented that earlier drafts suggested the option of decertification of the union for a one year period as a remedy, however, it was felt that was an invitation to such decertification, thus, the change was effected so as not to specifically suggest any particular remedy. In response to query from the Mayor, Ms. Silber stated that the Department of Labor and Industry had the authority to decertify the union permanently and pointed out that had occurred under federal law (to PATCO -- they were debarred from ever again being a union). Councilmember Sharp pointed out that the specific time period was included in the original draft ordinance submitted by AFSCME; he suggested that original language be reinserted. The unidentified AFSCME representative who had spoken earlier commented that at an earlier meeting there was a lot of opposition to the original language of the draft ordinance regarding strikes, thus, AFSCME's current position would be in support of the language as presently written. In response to query from the Mayor, he opined that the language as presently written would allow for decertification if that were the finding of the Department of Labor and Industry. There was brief dispute between Councilmember Sharp and the AFSCME representative concerning whether or not mention of decertification in the ordinance language had generated negative comment at an earlier meeting. The Mayor pointed out that the language of Sec. 8B-208(e) should be corrected to read ..."shall order an appropriate remedy..." rather than ..."may order an appropriate remedy." Councilmember Sharp moved reinsertion of the original language in the subject section specifically providing for decertification of the union for a period of one year as a remedy; motion duly seconded by Councilmember Haney. Councilmember Bradley expressed a wish to see a prior draft of the ordinance and the exact language prior to voting on this point. Brief discussion ensued.

Brint Dillingham suggested that if decertification were reinserted in the language as a remedy (which he did not favor), that it be stated as "up to one year", rather than the specific requirement of one year (not allowing for a lesser period). Councilmember Haney suggested the wording ..."a period of time not to exceed one year"...; Councilmember Bradley commented she would support that. Councilmember Sharp agreed he would accept that wording as a part of his motion to reinsert the original language, as did Mr. Haney (seconded of the motion). The motion to amend carried by unanimous vote. Councilmember Sharp moved acceptance of the ordinance for First Reading, duly seconded by Councilmember Iddings. The Mayor noted the two issues remaining to be addressed relative to the ordinance would be discussed at the next worksession.

Susan Bray, 61 Walnut Avenue expressed appreciation that an effort had been made to adhere to the published agenda, however, remarked that the agenda did not make clear that the legislation would be addressed point by



point and said if that were the intention, it should be scheduled first on a regular meeting agenda in order to allow citizens, as well as City employees, adequate opportunity for input.

The Mayor explained that the reason for addressing the ordinance point by point was the fact that there remained issues to be resolved; he said the intent was that at the Second Reading there would be an executive summary provided outlining and addressing all the major issues dealt with in the legislation. He said it was likely the ordinance would be scheduled for Second Reading on December 8. Ms. Bray asked that in-depth information on the legislation be printed in the December Newsletter which would be distributed at the end of November prior to the Second Reading, thus affording unionist residents of the City an opportunity to review the legislation prior to its adoption. She referred to the numerous union members residing in the City, most of whom she thought would be interested in the progress and outcome of the City's Collective Bargaining legislation -- said she was not sure they were even all aware of the ordinance. The Mayor noted receipt, at the Public Hearing on the matter, of a letter signed by a number of City residents/unionists, which noted 6 points they would wish to see addressed in the ordinance.

Ms. Bray commented she would really like to see the Council address the Newsletter distribution system; said it is inadequate at best and prejudiced against tenants at worst. She said she had personally approached the person delivering the publication at her address -- to no avail, and feared the scope of the problem might be widespread in the City. She suggested mailing of the Newsletter to ensure its distribution to all residents, including tenants.

The ordinance was accepted for First Reading with one Abstention, balance of Council voting Aye.

ORDINANCE #1986-  
(available upon request)

Councilmember Bradley asked that original agenda item 8 be addressed in view of the fact she would have to leave the meeting shortly. It was moved and duly seconded that Ms. Bradley's request be granted.

5. First Reading of an ordinance establishing Stop Signs on Maple at Erie Avenue.

Councilmember Bradley moved acceptance for first reading; she inquired why an additional request for stop signs at Kennebec and Roanoke which was submitted at the same time as the one being considered for first reading was not on the current agenda. She pointed out that those two requests were submitted a year ago, prior to rules formulated by the Traffic Committee last summer, and it was her understanding they would not necessarily be subject to those rules; however, apparently they did go through that process, which probably accounted for the delay. She wondered how the Kennebec/Roanoke request could be expedited. Councilmember Iddings explained that there was some confusion about the appropriate number of signs to be erected and their placement, thus the delay. Ms. Bradley asked that all possible be done to expedite the matter and that it be scheduled for the next regular meeting on December 8; she commented that the community was discouraged and cynical about the apparent lack of priority afforded their request. Councilmember Bradley moved acceptance of the ordinance for first reading, duly seconded by Councilmember Levy; motion carried unanimously.

ORDINANCE #1986-  
(attached)

6. First Reading of an ordinance establishing Personnel Procedures.  
Councilmember Sharp moved that discussion be limited to 30 minutes, duly seconded by Councilmember Haney; the motion carried with Councilmembers Iddings and Bradley voting Nay, balance of Council voting Aye.

Councilmember Bradley raised the point that under the ordinance, as written, the City Administrator would be setting administrative policy in addition to being the Personnel Officer to whom employees would grieve concerning certain of those policies, which might present a conflict of interest -- she said she was uncertain how that issue was handled in other



jurisdictions. The Mayor commented that that was essentially the system as it presently exists and Ms. Bradley's remarks might raise the budgetary question of whether funds should be expended to hire a personnel officer; otherwise, perhaps Mr. Wilson should be queried as to whether he thought some of those functions should be delegated to an existing staff person. He said he did think the City Administrator, as the Chief Administrative Officer of the City, should be involved in the grievance process -- said it was not unheard of for an individual to change their own initial decision. Councilmember d'Eustachio said he did see that structure as a potential conflict -- perhaps less on its face as written than in actuality, based on his recall of complaints voiced by City employees concerning the lack of response by City Administration to grievances they had submitted. He said he was not passing judgment on whether that complaint was valid or whether or not the City Administrator was responsive, but did think the perception existed that the City Administrator was not, or in the past had not been, responsive. He said he felt it might almost amount to an insult in some ways to ignore those complaints voiced by employees, and thought an alternative option short of hiring additional staff should be sought -- perhaps the appointing of the Assistant City Administrator or some other appropriate individual as Personnel Officer. He said he saw Ms. Bradley's point as quite valid. Councilmember Levy commented she also agreed with Ms. Bradley's point, however, thought that inasmuch as Council was working on the Collective Bargaining Ordinance, if employees vote to form a bargaining unit, there would be a liaison committee formed within the unit which would handle grievances. She said even if employees did not vote to form a bargaining unit, provision had been voted on by Council for a liaison committee and that would have to be clearly spelled out because both employees and the City Administrator would feel uncomfortable about the role thrust upon them by the ordinance. She said the process need not be uncomfortable, however, would need to be very structured. She commented that the City is too small and it would be too expensive to hire a staff person with the exclusive function of Personnel Officer. Following brief discussion, the Mayor remarked that some of the comments voiced regarding delegation of certain functions of the Personnel Officer with retention of administrative aspects of the role by the City Administrator seemed a sensible approach. Attorney Silber commented that it was not at all usual or typical to have the Personnel Officer, where there is one, adjust a grievance at the highest level of management. She said generally a Personnel Officer is more an advisor to management, and the buck usually stops with line management and not the Personnel Officer. She said it would be a very unique concept if the City's procedure excluded the City Administrator from being an important part of the process before a grievance went to the Personnel Appeal Board. Councilmember d'Eustachio remarked that his argument was that the dual role was perhaps a conflict of interest; he said Ms. Silber's point was probably valid that it was traditional that the Chief Administrative Officer within a city would be the final step prior to an appeal board, however, that, to him, conveyed that perhaps the City Administrator should not also be the Personnel Officer and that function should be placed elsewhere. Ms. Silber commented that the ordinance had purposely been drafted to provide that flexibility.

Councilmember Bradley commented it was her understanding that one of the primary motives for moving ahead with the legislation was anticipated grievances in relation to the reclassification scheme. She noted the need for development and presentation of a payscale to correspond to the reclassification so that grievances would not be filed without employees having an opportunity to examine how the reclassification would impact them monetarily. She remarked that apparently she was in the minority in holding that view. Councilmember Levy referred to requests previously voiced by employees that a payscale be provided in conjunction with the reclassification plan.

The Mayor directed attention to Sec. 8B-106(b) of the ordinance and the ten day time frame allowed for submission of comments on proposed administrative regulations; he said one concern he had with that short a time frame was the fact that the Newsletter would be used as a primary source of publication. Ms. Silber pointed out that the language of the ordinance stated at least 10 days which provided flexibility and would not bar allowing more time. The Mayor questioned whether it should be required that the actual regulations be published, or just notice of same with the advice that copies were available at a given location; he remarked on the prohibitive cost of, for example, publishing a 300-page personnel manual verbatim



in the Newsletter. He stated a preference for the requirement that notice of regulations be published and copies made available upon request, with a longer general time frame allowed for comment, e.g., 21 days. Councilmembers Sharp and d'Eustachio noted that if the intent were to notify and solicit comment from employees, it should be required that notice be made available in all departments of the proposed regulations and availability of copies. Councilmember Sharp commented that the way in which this sort of regulations is handled should probably set a precedent for the handling of other types of proposed regulations, such as COLTA regulations, i.e., that notice be published in the Newsletter and availability of copies noted, rather than publication of actual text. Consensus of the Council was that the next draft of the legislation would incorporate the Mayor's suggestion requiring publication of notice of proposed regulations in the Newsletter along with a statement of availability of copies, with a 21-day period allotted for comment. Mr. Sharp asked that a new draft of the proposed ordinance under consideration not be done until Council had completed their review of issues remaining to be addressed.

The Mayor directed attention to Sec. 8B-108(6), the definition of "immediate family." Councilmember Levy referred to Councilmember Bradley's earlier comments concerning the payscale and inquired when that information would be forthcoming. The Mayor responded that it had been recommended to the City that the classification system be adopted initially and then the payscale dealt with at a later point in time. He said the legislation currently being addressed was formulated in order to provide a grievance procedure to deal with complaints concerning the reclassification, and the effort was to get those two items in place concurrently. In response to query from Ms. Levy, Attorney Silber remarked on the lack of comment or input from employees on the proposed personnel procedures, however, said she had received comments from the City Administrator, Asst. City Administrator, department heads -- who she thought had held meetings with their full staff -- Mr. Wilson corroborated that, relating that he had spent a couple of hours with the police department, which was documented and a transcript forwarded to Ms. Silber's office. Ms. Levy said she had understood that department heads would be directed to meet with their employees and elicit comments, with the information gathered subsequently compiled. She noted that Council did not receive any structured commentary from the various departments. Ms. Silber commented that a markup generated by Asst. City Administrator Habada and which incorporated the comments from various departments was distributed at a worksession. In response to query from Councilmember Iddings, Ms. Silber assured that the current draft did reflect all comments received from all sources, including those made by employees. Councilmember Sharp moved acceptance for first reading, duly seconded by Councilmember d'Eustachio. Following brief dialogue, Councilmember Iddings commented it would be preferable to have adoption accomplished of the Collective Bargaining Ordinance, the Personnel Procedures Ordinance, and some of the other personnel-related matters, by the December 15 meeting (prior to holiday adjournment) because when Council reconvened in January, the budget cycle would be imminent. Councilmember d'Eustachio moved that the discussion be extended 20 minutes beyond the time limit initially imposed; the motion was duly seconded by Councilmember Sharp and carried.

Discussion returned to the definition of "immediate family." It was noted that that term was used only once in the entire personnel ordinance -- in the section concerning bereavement leave. Ms. Silber pointed out that the existing definition in the City Code was a bit odd in that it did not include spouse or domestic partner. Councilmember Levy commented she perceived the 3 days of bereavement leave granted in that section as discriminatory to certain religions -- thought it should be a longer period. Consensus of the Council was that the terms "spouse" and "domestic partner" be included in the definition of immediate family.

The question of whether adjustments and bonuses should be mentioned in the description of the compensation system (Secs. 2-59.1 and 2-65) was raised. Councilmember Sharp suggested that examples of those not be given for reasons previously elsewhere stated. He said he felt if those were included it invited the assumption that Council endorsed that sort of thing -- for example, longevity steps. He said he did not wish to see that outlook perpetuated. Councilmember Iddings inquired whether it did not seem reasonable to make mention of the opportunity to give bonuses and adjustments; Mr. Sharp responded he did not oppose that, however, did not



think there was need for specific examples because that encouraged people to think those items would be forthcoming and said he would support deletion of the examples. Councilmember Iddings commented he would also support deleting specific examples of bonuses or adjustments. Councilmember d'Eustachio expressed agreement. The Mayor questioned whether the provision relating to possible adjustments for shift work, working conditions and other conditions affecting employment should be deleted; Ms. Silber suggested that the section could be worded more non-specifically. Councilmember Sharp commented he did not view those sorts of adjustments as gratuitous, and said the section was specific concerning the basis on which adjustments could be made.

The question of whether specific reference should be made to longevity steps L-1 and L-2 in Sec. 8B-122(a) of the ordinance was raised. Following discussion, consensus was that the reference be deleted, new language be inserted, with the first sentence of the section to read: "The pay plan must specify base salaries for pay steps A through J, and any other steps authorized by Sec. 2-68 of the City Code, for each pay grade."

The Mayor raised the question from Ms. Silber's memorandum dated 11/7/86 of whether or not there should be special provisions on adjustments and bonuses for Senior Executives, i.e., department heads and others who serve at the pleasure of the Mayor and Council; he said he thought that a subsequent question of whether the Code should require inclusion of steps for each grade in the pay plan would probably include a discussion of whether department heads should be on a payscale or grade system; he noted that the City Administrator had pointed out that an alternative used in other municipal governments and public agencies was to have senior staff not on the grade/step system but on a different sort of system -- which could revert to the question of adjustments and bonuses. He suggested that if others saw the two questions as related, it might be desirable to postpone that discussion, which would be a major item, until a worksession. In response to query, Mr. Wilson stated he would define senior staff as including the 5 appointed officials and those others directly appointed by the City Administrator, i.e., the Assistant City Administrator, Deputy City Clerk, Assistant Public Works Director, Police Captain, and Economic & Community Development Coordinator. Councilmember Iddings suggested that addressing this issue should perhaps be a part of the budget process in that it would entail a different way of compensating senior staff. In the course of ensuing additional discussion, Mr. Wilson reminded Council that codifying of procedural information complicated the process of making changes if such were desirable. The ordinance was accepted for first reading by unanimous vote (Councilmembers Bradley and Haney Absent during the vote).

ORDINANCE #1986-  
(available upon request)

Councilmember d'Eustachio asked that original agenda item 7 be addressed; the request was granted.

7. Resolution of City support for youth care services within community.

Councilmember d'Eustachio moved passage of the resolution, duly seconded by Councilmember Iddings. Mr. d'Eustachio referred to Norman Greene's long-time campaign to gain use of facilities at Heffner Park for provision of youth care services; he pointed out that Mr. Greene had withdrawn his request in view of continuing opposition from the surrounding community. Mr. d'Eustachio stated his initial and ongoing support of Mr. Greene's efforts and spoke concerning the dire and demonstrated need for such services; he said he had written the resolution of support because he felt Mr. Greene's activities to be very worthwhile, noting plans by both Prince George's and Montgomery Counties to expend large amounts of monies on such programs. The question was called; the resolution was passed by unanimous vote (Councilmembers Bradley, Haney and Levy Absent during the vote).

RESOLUTION #1986-75  
(attached)

8. Ordinance awarding design contract for Spring Park.

Councilmember d'Eustachio moved adoption of the ordinance, duly seconded.



The ordinance was adopted by roll call vote as follows: AYE: Councilmembers d'Eustachio, Haney, Iddings, Sharp and Williams; NAY: None; ABSTAINED: None; ABSENT: Councilmembers Bradley and Levy.

ORDINANCE #1986-46  
(attached)

9. First Reading of three ordinances pertaining to Housing/COLTA issues.

Councilmember Sharp moved acceptance for first reading of the three ordinances, collectively; motion duly seconded by Councilmember Haney. Mr. Sharp briefly summarized the legislation, noting that the first pertained to the obligations of a landlord relative to unannounced/unauthorized entry into an apartment; the second, eliminating differentiation between full and alternate members of COLTA and establishing terms of office for those members, including a provision whereby the Mayor will establish staggered terms of office for current members; the third, effecting changes in the Code regarding retroactive rent increases and requirements concerning issuance of a written decision prior to any implementation of a COLTA decision.

Councilmember Williams raised questions concerning page two of the third ordinance, the portion designated as new language for addition to Section 6(4). Councilmember Sharp explained that language was inserted at the suggestion of Asst. Corporation Counsel Bottum in order to address the issue of due process; he commented sixty days might be too short a period and could be lengthened if so desired. The Mayor suggested 90 days as being a more usual time frame; consensus was to go with that figure for first reading, with information regarding the average time period within which they reach and issue a decision to be ascertained from COLTA prior to second reading.

Councilmember Williams questioned use of the term "leased premises" in the first ordinance concerning unauthorized entry by the landlord; following brief discussion, consensus was that that terminology, as an editorial amendment, should be changed to read rental unit for purposes of clarification and to conform with other Housing legislation. As a point of clarification, Councilmember Iddings asked whether provisions of the original lease still prevail when a tenant goes on a month by month rental basis; Councilmember Williams responded in the affirmative, stating that the exception was provisions concerning eviction. Mr. Iddings commented that something that should be examined was requiring landlords to give one year lease extensions rather than having tenants go on a month to month basis. Councilmember Williams commented he had prepared such a proposal but had not yet presented it to the Mayor and Council.

Mayor Del Giudice noted that the current language concerning COLTA membership required that members be residents of Takoma Park; Mr. Sharp remarked on the question that had previously arisen concerning residency of landlord representatives and said he would not be unwilling at a later point to address that issue. The Mayor commented he would be composing language for presentation at a later time to perhaps amend the ordinance and permit representatives of landlords to include non-residents, with specific requirements set forth.

Larry Ravitz, 8369 16th Street, Silver Spring: said his primary concern was with the third ordinance concerning escrowing retroactive rent increases. He explained currently having an uncontested increase petition filed and the sixty days having elapsed; said the increase to ninety days and other requirements would preclude landlords wanting to come in and renovate the dilapidated, deteriorating rental housing stock in the City. Following brief dialogue, the Mayor related how the process works in D. C., noting that if escrow were not a requirement, headaches could be created for everyone, including landlords, because provisional rent increases could result in rent rollbacks following a hearing decision, in which case rebates would have to be made. Mr. Ravitz reiterated the burden placed on the landlord trying to renovate a building when rent monies have to be placed in escrow. In ensuing discussion, the Mayor summarized a portion of earlier discourse, commenting that the primary purpose of the legislation being considered was to prevent COLTA decisions going into effect prior to their actually being written -- which had occurred on occasion and which, in effect, prevented the losing party from being able to file an appeal.



Mike Davidson, representing UMAAC: stated it was not felt to be in the interest of the tenants in the Park Ritchie situation to have the landlord holding any escrow money -- said the money should be held by a trustee, the City, or the tenants themselves. He pointed out interest would be earned on that money and if the management company or landlord went into default or bankruptcy, then that becomes part of the assets that are lost. It was pointed out to Mr. Davidson that escrow was not something that was held or controlled by a single party, that it is held by a neutral third party and the landlord does not have control over it. Mr. Davidson expressed support for appointment of COLTA members to three year staggered terms, however, inquired whether the specific term and provision for reappointment indicated that there would be a review process, to which the Mayor responded in the affirmative. Mr. Davidson, concerning residency requirements for commissioners, said that if landlords could have non-residents representing them it would allow attorneys and other advisors to serve in that capacity which would, in turn, open the door for tenants to demand equal rights and have organizers and others to represent their interests. The Mayor commented he felt that situation could be controlled by imposing certain specific restraints on requirements for serving as a COLTA landlord representative.

Councilmember Sharp commented that under the ordinance, as written, the Mayor and Council could conceivably have less control over COLTA than at present -- he asked whether it was felt a provision for good conduct, which was standard in appointments, should be inserted in the language. Mr. Wilson commented the Ethics Ordinance would likely cover that; the Mayor suggested language be inserted stating that Commissioners, as public officials, were subject to the requirements of that ordinance. Councilmember Haney suggested that each commissioner be provided a copy of the Ethics Ordinance. The Mayor commented that perhaps Acting Corporation Counsel should examine the Ethics Ordinance and ascertain whether it was applicable to voluntary commissioners. Mr. Wilson noted that the Tree Commission and COLTA were both authorities created by the Mayor and Council and to which they had delegated their authority -- said he thought the Ethics Ordinance could pertain to those two bodies, however, that would have to be examined to be certain. Following additional brief dialogue, the ordinances were accepted for first reading.

ORDINANCES #1986-\_\_\_\_, #1986-\_\_\_\_, #1986-\_\_\_\_  
(attached)

A consensus of approval was expressed by the Mayor and Council concerning the December meeting schedule as set forth in memorandum by the City Administrator. Mr. Wilson reminded of the upcoming COG Annual Board Meeting and that those wishing to attend should so indicate before December 5.

Upon motion, duly seconded, the meeting adjourned at 11:25 P.M., to reconvene in regular session at 8:00 P.M. on December 8, 1986.



Introduced by: Councilmember Bradley

Adopted: 11-24-86

RESOLUTION NO. 1986- 73

WHEREAS, Amnesty International has been working for twenty-five years to promote human rights, to ensure fair and prompt trials for all political prisoners, and to abolish torture and executions; AND

WHEREAS, Amnesty International has worked on behalf of more than twenty-five thousand prisoners since it was founded in 1961; AND

WHEREAS, in 1977 Amnesty International was awarded the Nobel Peace Prize for its efforts to promote global observance of the United Nations' Universal Declaration of Human Rights; AND

WHEREAS, the Washington-area groups of Amnesty International are working together to launch a letter-writing campaign in commemoration of AI's Twenty-fifth Anniversary.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council of the City of Takoma Park, Maryland do hereby commend Amnesty International's Twenty-Five years of efforts to free prisoners of conscience and hereby encourages all City residents to participate in the Washington, D.C. Area Amnesty International groups' letter-writing campaign on behalf of prisoners of conscience, increased public awareness of human rights abuses and to raise money in support of Amnesty International and its fine work.

Adopted this 24th day of November, 1986.



Introduced by: Councilmember d'Eustachio

Adopted: 11-24-86

RESOLUTION NO. 1986-74

WHEREAS, the City Council adopted Resolution No. 1986-43 on May 12, 1986, establishing the Revenue Advisory Committee; AND

WHEREAS, names of qualified citizens who might serve on the committee have been placed in nomination by Councilmembers for membership on the committee.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby appoint the following residents of the City,  
to serve on the Revenue

Advisory Committee:

Larry Dzieza

Joseph Faulkner

Milford Sprecher

Thomas Gagliardo

Louis D'Ovidio

\_\_\_\_\_

\_\_\_\_\_

Adopted this 24th day of November, 1986.



Introduced by:

1st Reading: 11-24-86  
2nd Reading:

ORDINANCE NO. 1986-

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

- SECTION 1. THAT all vehicular traffic, both north and south-bound, shall come to a complete stop on Maple Avenue at its intersection with Erie Avenue, and that a warning sign ("Stop Ahead") shall be placed on Maple Avenue, south-bound, near the crest of the hill; AND
- SECTION 2. THAT the Public Works Director is hereby instructed to install the stop signs, stop lines, and necessary warning signs at the appropriate locations; AND
- SECTION 3. THAT this ordinance shall become effective upon adoption; AND
- SECTION 5. THAT the penalty for violation of this ordinance shall be as prescribed in Section 1-17(a) of the Code of Takoma Park, Md., 1972, as amended.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1986.



Introduced by: Councilmember d'Eustachio

Adopted: November 24, 1986

RESOLUTION NO. 1986- 75

WHEREAS, the City of Takoma Park is a multi-cultural community with many families of working parents who are unable to be home with their children after school and during school holidays, and

WHEREAS, safe, educational, and constructive after school and holiday youth care is a necessity for working parents, and without ready access to these services, parents will be forced to move from the community in order to find them, and

WHEREAS, Mr. Norman M. Greene is a resident of the City of Takoma Park who has been an active participant in numerous citizen committees dealing with the arts, youth, community development and many other worthwhile projects benefiting the citizens of Takoma Park, and

WHEREAS, Mr. Greene has demonstrated a particular concern, interest, and skill in the area of youth programming, and is directing that concern and skill toward establishing a youth care program within the City of Takoma Park that can provide necessary services to working parents.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Takoma Park recognize the need for youth care services within the City, and strongly support and encourage Mr. Greene's activities in seeking to provide these necessary services to working parents in the community, and

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Takoma Park request that others within the City likewise support his efforts.



Introduced By: Councilmember d'Eustachio      1st Reading: 11-24-86  
2nd Reading: None required

ORDINANCE NO. 1986-46

WHEREAS, funds are budgeted in Takoma Park's adopted FY 1986-87 Budget for the purpose of making improvements to Spring Park; and

WHEREAS, professional landscape and park design services are necessary to implement said improvements; and

WHEREAS, such services have been solicited through a process of competitive bidding and four bids were received by the City; and

WHEREAS, City staff has reviewed the bids on the basis of the specified selection criteria and has recommended that a particular firm be engaged to perform this work,

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

SECTION 1. THAT the Division of Economic and Community Development is authorized to employ the services of DMW-Consultants, Inc., Montgomery Center, 8630 Fenton Street, Plaza II, Silver Spring, Maryland 20910 to provide the schematic design, design development, construction drawings and specifications, construction review and bid review for the improvement of Spring Park as specified in the bid documents for an hourly, not-to-exceed figure of FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$5,700.00).

SECTION 2. THAT the City Administrator is authorized to execute the necessary agreement and any related documents necessary to employ DMW-Consultants, Inc. for said work.

SECTION 3. THAT funds in the amount of FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$5,700.00) be allocated from Budget Account No. 3500.701 of the Special Revenue Fund to pay for said services.

Adopted this 24th day of November, 1986.



ORDINANCE NO. 1986-

WHEREAS, the right of all persons, both tenants and homeowners, to be secure in their homes from unauthorized entry by any person is one of our most cherished rights; AND

WHEREAS, a conflict exists between the rights of tenants to be secure in their homes and the rights of landlords to protect their property; AND

WHEREAS, the law now permits a landlord, under certain circumstances, to enter a tenant's home without prior authorization; AND

WHEREAS, the Mayor and Council of the City of Takoma Park desire to strengthen the rights of tenants against unauthorized entry without unduly restricting the ability of landlords to protect their property.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TAKOMA PARK, MD.

SECTION 1. THAT Section 6-80.7, "Obligations of landlords", be amended by adding at the end thereof the following new subsection:

(c) (1) A landlord or agent of the landlord, following entry into any rental unit for any purpose, including inspection or emergencies, for which the consent of the tenant has not been obtained, shall provide the tenant with a written notice of the unauthorized entry.

(2) Such notice shall contain the following information:

- (a) the date and time of such entry;
- (b) the time of departure;
- (c) the reason for the entry;
- (d) the work performed, if any;
- (e) the names of all individuals who entered the premises; and
- (f) the current telephone number and address of the Takoma Park Department of Housing Services.

(3) Such notice shall also advise the tenant that unauthorized entry into any rental unit is regulated by law, and shall advise the tenant of his or her right to file a formal complaint with the Commission on Landlord-Tenant Affairs if the tenant believes that the unauthorized entry was not in conformity with the law regulating such unauthorized entry.

(4) Except as provided in subparagraph (5), such notice shall be provided at the time of entry.

(5) In instances where time is of the essence and notification at the time of entry is therefore not feasible, the landlord shall provide the required information to the tenant within twenty-four (24) hours of the time of entry.

SECTION 2. THAT this ordinance shall become effective ninety (90) days after adoption.

SECTION 3. THAT the Director of the Department of Housing Services is directed to convey the requirements of this ordinance to landlords in whatever manner he or she deems best, including requiring the use of a standard notice form.



Introduced by:  
Edward F. Sharp

1st reading: 11-24-86  
2nd reading:

ORDINANCE NO. 1986-

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

- SECTION 1. THAT there is a need to insure that the Commission on Landlord-Tenant Affairs reflects the will of the citizens of Takoma Park; AND
- SECTION 2. THAT there is also a need to insure institutional continuity and collective memory on the Commission.
- SECTION 3. THAT, because there is no differentiation between the contributions to the work of the Commission made by full members and alternate members, alternate members should not be precluded from voting on all issues that come before the Commission; AND
- SECTION 4. THEREFORE the Mayor and Council hereby establish terms of appointment to the Commission on Landlord-Tenant Affairs of three years duration; AND
- SECTION 5. THAT all twelve members of the Commission shall be full voting members.
- SECTION 6. THAT appointments to replace Commissioners of the Commission on Landlord-Tenant Affairs who resign prior to the expiration of their terms shall be for the remainder of the term.
- SECTION 7. THAT Commissioners may be appointed to more than one term.
- SECTION 8. FURTHER THAT the current vacancies and members of the Commission will be assigned expiration dates of June 30, 1987; June 30, 1988; and June 30, 1989. Thereafter appointments shall begin on July 1 for three years; AND
- SECTION 9. THAT the expiration dates for the terms of the vacancies and current members shall be established by the Mayor according to the following:
- (1) In designating termination dates, there shall be at least one member but no more than two members of each interest group designated to terminate each year and no more than one interest group shall have two members terminating each year;
  - (2) The current vacancies shall be assigned the latest termination dates and the termination dates of the current members, to the extent possible, shall be



established according to the length of time a member has been on the Commission, with those who have been on the Commission the longest having the earliest termination date;

SECTION 8. THAT the Mayor shall inform the Council and the Commission of the designations by \_\_\_\_\_, 1986.

SECTION 9. THAT Section 6-30.2 of the Article 7 of the Takoma Park Code be changed as indicated below:

(a) There is hereby established the Takoma Park Commission of Landlord-Tenant Affairs, hereinafter referred to as the Commission. The Commission shall consist of twelve (12) residents of Takoma Park to be appointed by the Mayor, subject to the approval of the City Council. ~~Three (3)~~ Four (4) of said members shall be landlords or shall represent landlords; ~~three (3)~~ four (4) members shall be tenants or represent tenants; and ~~three (3)~~ four (4) shall be members of the public at large who are neither tenants nor landlords. ~~In addition, there shall be appointed one (1) alternate member from each group. Each member of the Commission shall continue to serve until a successor has been appointed. The term of the member or alternate member shall expire in the event that the member changes status as a landlord, a tenant or a member at large, or in the event that member ceases to reside within the boundaries of the City of Takoma Park. Each member of the Commission shall be appointed for a term of three years, which shall begin on July 1. Each interest group shall have at least one member and no more than two members whose term shall expire each year. There shall be no more than one interest group each year with two members whose terms shall expire. In the event that a member changes status as a landlord, a tenant, or a member at large, that member is ineligible to serve on the Commission in that capacity. In the event that a member ceases to reside within the boundaries of Takoma Park, that member is ineligible to serve on the Commission. Replacements to the Commission for members who are ineligible or have resigned shall be for the duration of the term of the member being replaced. Members may be reappointed without limitation.~~

\*\*\*

(c) The Commission shall elect one (1) of its members as Chairperson and another of its members as Vice-Chairperson, each to serve at the pleasure of the Commission, and such other officers as it shall determine. The Commission shall meet on call by the Chairperson as frequently as required to perform its



duties. Six (6) members of the Commission, two (2) from each interest group, shall constitute a quorum for the transaction of business, and a majority vote of those present, with no less than six (6) present at any meeting, shall be sufficient for any official action taken by the Commission. At the request of a majority of the members, a regular or emergency meeting of the Commission shall be convened. Written notice shall be given to each and every Commission member and alternate at least three (3) days prior to any regular meeting. Notice of an emergency meeting may be in writing or by telephone, but must be communicated to all of the members and alternates no later than twenty-four (24) hours in advance of such emergency meeting.

(d) When a member is absent, the alternate member who represents the same interest group shall participate in the Commission proceeding in place of the absent member. Such alternate members may exercise the voting privilege only when acting for an absent member of the interest group which said alternate member represents.

SECTION 10. THAT subsections (e) through (j) be redesignated to reflect the deletion of subsection (d)

(Strikeover) denotes deletions  
(Underlining) denotes additions



Introduced by:  
Edward F. Sharp

1st reading: 11-24-86  
2nd reading:

ORDINANCE NO. 1986-

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

- SECTION 1. THAT because sound administrative procedures require that aggrieved parties have an opportunity to appeal decisions of the Commission on Landlord-Tenant Affairs (Commission) to which they are subject; AND
- SECTION 2. THAT because retroactive rent increases may impose an economic hardship on tenants who may be subject to them.
- SECTION 3. THEREFORE the Mayor and Council hereby provide that orders of the Commission are effective only upon the issuance of a final written decision of the Commission; AND
- SECTION 4. THAT rent increases which are subject to a decision of the Commission may not be made retroactive, but may only go into effect following the issuance of a final written decision of the Commission.
- SECTION 5. THAT Section 6-80.17(e)(3)(B) of Article 7 of the Takoma Park Code be changed as indicated below:

(B) If the rent increase exceeds the limit prescribed in Section 6-80.17(c):

"1. The Takoma Park Code provides that the rent for your apartment may not be raised by more than ..... percent (.....%) than the lawful rent chargeable on ....., 198 ....., without the approval of the Takoma Park Commission on Landlord-Tenant Affairs (COLTA). A rent increase of .....% is being proposed for your apartment. If this increase is approved, your current rent of \$..... would be raised to \$..... on ....., 198..... .

"2. This increase will not become effective unless and until it is approved a final written decision is issued by the Takoma Park Commission on Landlord-Tenant Affairs (COLTA), because it exceeds the limit on rent increases which can be made without the prior approval of the Commission on Landlord-Tenant Affairs. If approved by the Commission on Landlord-Tenant Affairs, the increase will be retroactive to the date specified in this notice, which is ..... 7 198 ..... - Such an increase may not be imposed retroactively.

- SECTION 6. THAT Section 6-80.17(g)(4) be added to read as



follows:

(4) Rent increases approved by the Commission shall go into effect only after the issuance of a final written decision of the Commission. Such increases may not be applied retroactive to the issuance of the Commission's final written decision.

11/13/86 - New Language

However, should more than ninety (90) days elapse between the time a landlord requests a rent increase and the Commission issues a final decision on the request, the landlord may impose the requested increase. Any increase must be placed in an escrow account by the landlord and held in that escrow account until such time as the Commission issues a final order. The landlord shall refund to the tenant any increase not approved by the Commission.

SECTION 7. THAT current subsections (4) through (6) be redesignated to reflect the addition of a new subsection (4).

(Strikeover) denotes deletions

(Underlining) denotes additions



THE LAW OFFICES OF  
**SUSAN SILBER**

SUSAN C. SILBER, ATTORNEY AT LAW  
ADMITTED DC, MD AND NY

MARY P. BOTTUM, ATTORNEY AT LAW  
ADMITTED DC AND MD

THOMAS E. STAMEY, ATTORNEY AT LAW  
ADMITTED DC

PRINCIPAL OFFICE AND MAILING ADDRESS:  
LANGLEY PROFESSIONAL BUILDING  
7676 NEW HAMPSHIRE AVENUE, SUITE 416  
LANGLEY PARK, MD 20783

1300 NINETEENTH STREET, N.W.  
SUITE 240  
WASHINGTON, D.C. 20036

626 INDEPENDENCE AVENUE, S.E.  
SUITE 303  
WASHINGTON, D.C. 20003

(301) 445-5400

MEMORANDUM

November 21, 1986

TO: Mayor and Council

VIA: James Wilson, City Administrator

FROM: Susan Silber, Acting Corporation Counsel *SSilber*

SUBJECT: Proposed Personnel Procedures Ordinance

At the worksession on November 17, 1986, the Mayor and Council authorized changes to the proposed personnel procedures ordinance that would create a new chapter on personnel. The draft of the proposed ordinance that is attached contains the changes necessary to create the new chapter. The only other changes are minor technical changes. The Mayor and Council should still consider the issues that I raised in my memorandum dated November 7, 1986. (attached for your convenience.)

In the near future, the Mayor and Council should also review the sections that are being moved. The proposed ordinance is not intended to be an endorsement of those sections. They are only included because it is necessary to move them to the new chapter on personnel. One example of a problem in these sections is that the Code does not use a consistent rule for determining whether an employee is permanent or temporary, and full-time or part-time.

The proposed ordinance moves many sections from Chapter 2, "Administration" to Chapter 8B, "Personnel". The attached list shows how the section numbers were changed. I recommend sending this list to the codifiers along with the statute so that it can be published as a note in the Code.



PERSONNEL PROCEDURES ORDINANCE:  
CHANGES IN SECTION NUMBERS

<u>Old Section Number or Number in Previous Draft</u>	<u>New Section Number</u>
2-50	8B-101
2-50.1	8B-102
2-51	8B-103
2-52	8B-104
2-53	8B-105
2-53.1*	8B-106
2-53.2*	8B-107
2-54	8B-108
2-55	8B-109
2-56	8B-110
2-57	8B-111
2-58	8B-112
2-59	8B-113
2-59.1*	8B-114
2-59.2*	8B-115
2-60	8B-116
2-61	8B-117
2-62	8B-118
2-63	8B-119
2-64	8B-120
2-64.1*	8B-121
2-65	8B-122
2-66	8B-123
2-67	8B-124
2-68	8B-125
2-69	8B-126
2-69.1*	8B-127
2-70	8B-128
2-71	8B-129
2-72	8B-130
2-73	8B-131
2-74	8B-132
2-75	8B-133
2-76	8B-134
2-76.1	8B-135
2-77	8B-136
2-78	8B-137
2-79	8B-138
2-80	8B-139
2-81	8B-140
2-82	8B-141
2-83	8B-142
2-84	8B-143
2-85	8B-144
2-86	8B-145
2-87	8B-146
2-88	8B-147
2-89	8B-148



2-90	8B-149
2-91	8B-150
2-92	8B-151
2-93	8B-152
2-94	8B-153
2-95	8B-154
2-96	8B-155
2-97	8B-156
2-98	8B-157
2-99	8B-158
2-100	8B-159
2-101	8B-160
2-102	8B-161
2-103	8B-162
2-104	8B-163
2-105	8B-164
2-106	8B-165
2-107	8B-166
2-108	8B-167
2-109	8B-168
2-110	8B-169
2-111	8B-170
2-112	8B-171
2-113	8B-172
2-114	8B-173
2-115	8B-174
2-116	8B-175
2-117	8B-176
2-118	8B-177
2-119	8B-178
2-120	8B-179
2-121	8B-180
2-122	8B-181
2-123	8B-182
2-124	8B-183

\* These sections are not in the existing Code. They are being added by this ordinance.

SS/ln  
TP#5



THE LAW OFFICES OF  
**SUSAN SILBER**

SUSAN C. SILBER, ATTORNEY AT LAW  
ADMITTED DC, MD AND NY  
MARY P. BOTTUM, ATTORNEY AT LAW  
ADMITTED DC AND MD  
THOMAS E. STAMEY, ATTORNEY AT LAW  
ADMITTED DC

PRINCIPAL OFFICE AND MAILING ADDRESS:  
LANGLEY PROFESSIONAL BUILDING  
7676 NEW HAMPSHIRE AVENUE, SUITE 416  
LANGLEY PARK, MD 20783

1300 NINETEENTH STREET, N.W.  
SUITE 240  
WASHINGTON, D.C. 20036

626 INDEPENDENCE AVENUE, S.E.  
SUITE 303  
WASHINGTON, D.C. 20003

(301) 445-5400

MEMORANDUM

November 7, 1986

TO: Mayor and Council  
VIA: James Wilson, City Administrator  
FROM: Susan C. Silber, Acting Corporation Counsel  
SUBJECT: Comments on proposed Personnel Procedures Ordinance.

My office has reviewed the comments on the proposed ordinance contained in this mark-up. Many of these comments can be addressed by staff without further direction from the Mayor and Council. This memorandum lists the comments that my office believes should be addressed by the Mayor and Council. Of course, other issues may still be raised.

From the Mark-up

1. How long should citizens and employees have to comment on proposed regulations? (Page 3. Sec. 2-53.1 (b).)
2. How should "immediate family" be defined? (Page 4. Sec. 2-54(a)(6).)
3. Should the description of the compensation system mention adjustments and bonuses? Should examples of adjustments and bonuses be mentioned? (Pages 7, 8 and 12. Sec. 2-59.1 and Sec. 2.65.)
4. Should there be special provisions on adjustments and bonuses for a Senior Executive Service? What should the Code provide? (Page 7. Sec. 2-59.1.)
5. Who should allocate a position to a class? (Page 7. Sec. 2-59.1 (c).)
6. Who prepares the job description for a position? (Page 8. Sec. 2-60.)



MEMORANDUM

November 7, 1986

Page 2.

7. Should the Code require the pay plan to have steps for each grade? (Page 12. Sec. 2-65.)
8. How should the personnel officer decide which step to put a new employee in? (Page 13. Sec. 2-69.1.)
9. Should the Deputy City Clerk earn overtime? (Page 14. Sec. 2-70.)
10. Under what circumstances should an employee get credit for service to the City, if the employee left the City and then came back? (Page 14. Sec. 2-93.)
11. What rights should probationary and non-probationary employees have to appeal a decision to dismiss them? (Pages 18 and 19. Sec. 2-121 (c) and (d).)
12. What should the membership of the Personnel Appeal Board be? What provisions should there be for conflicts of interest? (Pages 19 and 20. Sec. 2-122.)
13. What types of personnel matters should an employee be allowed to grieve? (Pages 14 and 15. Sec. 2-120.)

Other Issues

14. What personnel rules apply to temporary employees? (Page 9. Sec. 2-61.)
15. Should the City commit itself to paying wages comparable to other cities if it can hire people for less? (Page 13. Sec. 2-65 (b).)