

April 9, 1993

TO : Distribution Noted Below

VIA : Beverly K. Habada *B.K.H.*  
City Administrator

FROM : Catherine Sartoph *C. Sartoph*  
Deputy Clerk

SUBJECT: Council Summary from April 6, 1993 Special Session and  
Worksession

**DEPARTMENT HEADS: PLEASE READ EACH ITEM CAREFULLY FOR MATTERS THAT  
MAY PERTAIN TO YOUR DEPARTMENTS AND FEEL FREE TO COPY TO OTHER  
STAFF AS NEEDED.**

- [ ] 1. Proclamation of Congratulations. Resolution #1993-30 was unanimously passed congratulating Columbia Union College on the inauguration of their 17th President.
- [ ] 2. Proclamation of Arbor Day. Resolution #1993-31 was unanimously passed recognizing April 10th as Arbor Day.
- [ ] 3. Family Diversity Task Force. Council discussed the Family Diversity Task Force Report recommendations and HOBBS' memo that reflected STAFF'S review of these recommendations. Council comments follow:

Item #1

- Councilmember Hamilton interested in Corporation Counsel's review and comments on memo.
- Councilmember Prensky feels that incorporating the new definition of family should be a medium range objective.
- Mayor Sharp does not want to give the impression that Council has agreed on the definition of family.
- Councilmember Porter stated that the process of identifying the places in the Code where the definition substitution needs to occur can be done now; Mayor Sharp agreed that this process can be done fairly expeditiously. Task Force member noted that the definition may not be applicable throughout the Code; there are possible exceptions.

DEPUTY ADMINISTRATOR said project should be included in the FY'94 Budget Workplan. Councilmember Johnson requested a copy of the City Code on disc, if available; DEPUTY ADMINISTRATOR to repond.

Item #2

- Councilmember Johnson feels that establishing a domestic partnership registry is a task that can be implemented quickly and easily.
- Councilmember Hamilton asked who will be handling registration records in conjunction with managing benefits?

Item #3

- Councilmember Prenskey pointed out that this recommendation is not only about health insurance; also requested that Council be provided some breakpoint numbers on what costs might be incurred for implementation of Health Insurance recommendation.
- Councilmember Porter asked if LGIT's decision on whether to extend benefits to domestic partners will depend on the way the City Ordinance is written?

HOBBS to provide Council with rough numbers on the costs that might be incurred by extending health benefits to potential domestic partner registrants (e.g. for 1, 5, or more employees).

Item #4

- Councilmember Porter suggested that the City could talk to School Boards and ask for their assistance in getting demographic information to Takoma Park schools.
- Councilmember Hamilton suggested contact with school superintendents and P.T.A.'s.

Task Force Member, Bruce Williams stated that he knows people working on this issue in Montgomery County; Councilmember Porter said that it should also be investigated in P.G. County.

Item #5

- Mayor Sharp said that the Washington Adventist Hospital may be willing to discuss this recommendation.

Item #6

- Mayor Sharp stated that if Montgomery County does not revise its human rights statute, the City may have to take action with its own law; preference that Montgomery County change its law.
- Councilmember Porter questioned if Takoma Park passes an Ordinance, who will enforce it (Counties, City, Human Rights Commission)?

Item #7

- Councilmember Prensky stressed the importance of the Task Force involvement in forums with City Staff and residents. Mayor Sharp added that the elected officials should also participate.

Item #8 - No discussion other than this being an ongoing initiative.

Item #9

- Mayor Sharp felt this recommendation ties in with #5 and can be extended to Nursing Homes, Universities, etc.
- Councilmember Prensky suggested that information be distributed via mailings to relevant parties, passed by Resolution, presented at press conferences, etc. and also establish a telephone contact for people to obtain information.

Mayor Sharp would like to see STAFF work with these recommendations. STAFF to prepare time estimates for implementation, outline logistics, and get information re: benefits, for distribution at Public Hearing 4/26.

- [ ] 4. Transportation Plan. Council discussion focused on the points for which no previous consensus had been met. Speed hump legislation was considered at length. DHCD to incorporate the following conclusions in the Phase I, Transportation Plan.

- No requirement to hire a consultant for traffic study before installing a speed hump; however, there will be a strong preference for a neighborhood study first, and evidence of advising the neighborhood and assessing the impact on it.
- Transportation Plan should include language expressing that Council requires there be some evidence of neighborhood-wide consideration on the part of the citizens requesting a speed hump (i.e. formal notifications, community meetings, neighborhood-wide impact studies).
- Sligo Creek Parkway should not be identified as a residential street.
- City should pursue a uniform City-wide 25mph speed limit unless otherwise posted on State highways.

STAFF to mail a map of the Suggested Transportation Areas to Citizen Associations/Organizations; also have map available for citizen comment at Public Hearing (NOTE: Revisions to Phase I are tentatively scheduled for Discussion 5/3). Councilmember Leary suggested a

Citizens' Committee on Neighborhood Studies (Phase II, Transportation Plan) should be formed; **STAFF** should review recommendations of such a Committee.

- [ ] 5. Non-U.S. Citizens in Elective Office. Councilmembers and members of the Elections Task Force made comments regarding the extent of their knowledge and public awareness, at the time the issue of considering the Charter amendment to allow for Non-U.S. Citizens to Register to Vote, that the Charter amendment would also allow for Non-U.S. Citizens to run for elective office. Councilmembers Porter and Elrich stated that a couple of residents from their Wards had approached them with concerns over this issue--residents who supported the voter registration but did not realize or support non-U.S. citizens in elective office. Councilmember Johnson proposed a Public Hearing on the issue; Council vote did not support having a Public Hearing. Councilmember Porter stated that if she were presented with considerable evidence that citizens are concerned with this issue she would then support a public hearing.
- [ ] 6. FY'94 Budget Discussion. Councilmember Johnson made a general statement that Council has not been presented with internal evaluations for any Departments other than the Police Department. Mayor Sharp commented that he would like to see more attention given to performance indicators over the next few years; **STAFF** needs to work at this type of analysis.

**PUBLIC WORKS STAFF** to note/respond to the following requests, concerns and questions.

- Councilmember Porter encourages "Citizen as Customer" philosophy (ie. use of a Complaint Log). (pg.2)
- Councilmember Prenskey asked what will the forms look like for customers to log complaints? (pg.5)
- Councilmember Prenskey wants a **status report** from Public Works re: future agenda item, "Quality of Life."
- Councilmember Porter asked whether City has the authority to charge utility companies for ie. curb cuts?
- Councilmember Prenskey questioned the exact meaning of "complete inventory..." Does this mean "to begin from start"? (pg.7,#7)
- Councilmember Prenskey asked what is the procedure for implementation. (pg.7,#9)
- Mayor Sharp noted that the "Sick Building Study" conducted by AFSCME should be directly identified.

- Councilmember Prensky asked what does the "Council Chamber Improvements" refer to? (pg.8,#15)
- Councilmember Prensky questioned whose responsibility is it to set up and break down tables, etc. when the Heffner Park Building is rented out? Suggested **PUBLIC WORKS** coordinate with **RECREATION** on this.
- Councilmember Prensky said the statement on pg.14,#12 is confusing.
- Councilmember Porter requested a **status report** on the efforts to coordinate volunteer clean-up of Forest Park this Summer. **MARTY MOSKOWITZ** to respond.
- Mayor Sharp suggested that Public Works start identifying workload indicators (ie. sign removal, etc.). (pg.23,#11)
- Councilmember Prensky asked what is the goal we have in charging for leaf mulch? (pg.22,#4)
- Councilmember Prensky questioned the procurement of a "more reliable tub grinder". (pg.22,#3)
- Councilmember Porter recalled a proposal in the last budget to provide containers for mixed paper recycling--what happened to this proposal? Requests a **status report**.
- Councilmember Porter asked whether a charge for the collection of heavy appliances will appear in the budget? (pg.26)
- Councilmember Prensky suggested that Public Works consider a fee for appliances with refrigerants that the City has to pay a fee for when disposing.
- Councilmember Prensky asked for a **timetable** re: revision of City Tree Ordinance. (pg.28,#4)
- Councilmember Porter requested a **status report** on the storm water drainage at Ethan Allen and Jackson Avenues.

**POLICE DEPARTMENT** to note/respond to the following requests, concerns and questions.

- Councilmember Porter asked if the "Community Oriented Police Program" is working and how does the Police Department know?
- Councilmember Leary noted that if more resources are devoted to Part II crimes, the reality is that fewer resources will be available for the Part I crimes.
- Mayor Sharp suggested the language be made clearer re: youth being targeted. (pg.12)
- Councilmember Prensky introduced the idea of Officers attending Citizen Association/Organization meetings.

- Councilmember Prenskey asked why pay for Joan Weiss? Who is she? (pg.7,Obj.9)
- Councilmember Porter suggested that Police should coordinate with the residents of the neighborhoods. (pg.18,#7)
- Councilmember Porter concerned with "not tracked" items. (pg.19,#2 and #3)
- Mayor Sharp asked what is a C.O.P. Project? (pg.20,#4)
- Mayor Sharp suggested that the Police Department reflect awareness of the Affirmative Action Plan efforts. (pg.24)
- Councilmember Porter stated that citizens involved with Neighborhood Watch groups have told her that they are not being informed of crime patterns in their areas. How soon does the Police Department call residents? (pg.24)
- Councilmember Prenskey asked about a "Crime Hot Line".
- Mayor Sharp asked how many vehicles are at the lot now? How many may be there at any given time? (pg.29,#3)
- Mayor Sharp asked about the back-log of warrants. Can we/do we want to do anything about it?
- Councilmember Prenskey would like to see breakdown by beats/neighborhoods. (pg.6)

- [ ] 7. Council Meeting Procedures. Councilmember Porter explained that there was additional information being distributed to the Council this evening that was not in their agenda packages (memo from Corporation Counsel dated 2/26/93 and draft resolution of proposed council procedures). Council consensus to reschedule discussion for next Worksession 4/19.
- [ ] 8. Mayor Sharp made a comment regarding the City's annual audit; he feels the Request for Proposal should be put out to bid this year. **DEPUTY ADMINISTRATOR** to come back to Council on this issue.
- [ ] 9. **CITY CLERK STAFF** to insure that **LIBRARY** has a supply of Non-U.S. Citizen Voter Registration Cards available to the public.

Copies to: City Council  
 City Administrator Habada  
 Deputy City Administrator Grimmer  
 Assistant City Administrator Hobbs  
 City Clerk  
 Corporation Counsel

(Distribution Continued)

Hsng & Comm. Dev. (Nance-Sims, VinCola, Schwartz, Ross)  
Police Dept. (Fisher, Wortman, Young, Kendall, Pinkard)  
Public Works (Knauf, Laster, Braithwaite, McKenzie)  
Recreation Department (Ellis)  
Library (Robbins, Brown [Reference Copy])  
Finance Division (McKenzie)  
Cable Office  
Newsletter  
Admin. Office (Rivers, Johnson, Vidal, Sartoph)

CITY OF TAKOMA PARK, MARYLAND (FINAL 4/23/93)

Regular Meeting and Public Hearing of the City Council  
Monday, April 12, 1993

CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy Clerk Sartoph
Councilmember Hamilton	Code Enforcement Supv. Castillo
Councilmember Johnson	Construction Specialist Kowaluk
Councilmember Porter	Community Planner Schwartz
Councilmember Prensky	

Absent: Councilmember Leary

The City Council convened at 8:05 p.m. on Monday, April 12, 1993 in the Council Chambers at 7500 Maple Avenue.

Mr. Sharp remarked that while the position of City Clerk is vacant, Wayne Hobbs is serving as the Acting City Clerk and since he is not here this evening, the City Administrator will fill-in in that capacity as the Acting City Clerk. Ms. Habada then called the roll.

Following the Pledge of Allegiance, the following remarks were made.

MAYOR AND COUNCIL COMMENTS

Mr. Sharp noted that Councilmember Leary is out of town for the evening and that the Deputy City Clerk, Cathy Sartoph is transcribing the Council meeting minutes this evening.

Mr. Sharp reminded the citizens that April 18th is Earth Action Day and noted that there is a Resolution on this event coming up on the evening's agenda.

ADOPTION OF MINUTES FROM 3/8/93 and 3/22/93 Moved by Mr. Hamilton; seconded by Ms. Porter.

Mr. Sharp noted a couple of typographical changes on both sets of minutes.

The minutes for 3/8/93 and 3/22/93 were unanimously adopted.

ADDITIONAL AGENDA ITEM

Mr. Sharp noted that Council has received a new copy of the Resolution on Earth Day which is item #8.

Mr. Prensky requested that Item 10(b) be removed from the Consent Agenda and placed at the bottom of the regular agenda.

CITIZEN COMMENTS (on items not on the agenda)

There were no citizen comments.

Mr. Sharp noted that the Council previously, out of order, decided to move Item 10(b) up to Item 10, making the Consent Agenda Item 11.

AGENDA

#1 Resolution of Condolence to City Administrator Habada and family of (Paula) Jo Habada.

Mr. Sharp noted that the Resolution is one of condolence to Beverly Habada for the passing away of her sister.

The Resolution was passed unanimously (Absent: Leary).

RESOLUTION #1993-32  
(Attached)



#2 Resolution of Condolence to the family of Jennifer Magnus, Police Department Volunteer. Moved by Mr. Sharp; seconded by Mr. Hamilton.

Mr. Sharp read the Resolution into the record.

The Resolution was passed unanimously (Absent: Leary).

RESOLUTION #1993-33  
(Attached)

#3 PUBLIC HEARING - Ethics Task Force Report. Mr. Sharp explained that the public hearing is to take citizen comments on the report from the Ethics Task Force that Council received on February 22, 1993 and that the Task Force had proposed specific changes to the City Code which have been incorporated in a draft ordinance to show the additions and deletions which would be made. Mr. Sharp noted that after the public hearing, the Council should spend some time to discuss what the next step will be in addressing the proposals that Council has received from the Ethics Task Force but that Council is not scheduled this evening to take any action on the proposed Code changes.

Jim Douglas, 18 Sherman Avenue Chairman of the Ethics Task Force reviewed a few of the principle issues around the Task Force Report. Mr. Douglas noted the highlights of the report: (1) trying to change the focus and thrust of the Ordinance to a notion of balancing a public trust in the City government with the notion that every time City government imposes restrictions and regulations it has a cost; the need to be aware that the actions of those who serve on behalf of the citizens through the government need to be above reproach and the mechanisms to do that need to be simple and easy to follow; (2) taking the Corporation Counsel out of the role of hearing allegations and arbitrating allegations and replacing with an ethics commission as a third party to provide a fair and neutral forum; (3) eliminating a number of opportunities for waivers and exemptions in the current ordinance and removing the criminal penalties associated with this ordinance and making them civil penalties instead. He noted that last month's Newsletter had an article in which he was identified as a member of the Ethics Commission and wanted to make clear that an Ethics Commission does not yet exist; it is a proposal. Mr. Douglas noted that on the draft ordinance, the proposed Section 2-15 on Ethics Commission is a set of concepts at this time and not in ordinance language. He introduced other members of the Task Force that are present and said they will all be happy to answer any questions.

Mr. Sharp asked if there is some model language in the State Code regarding Commissions or some model language available some place else so that proposed Section 2-15 would not have to be a major redraft.

Mr. Douglas stated that there may be, but that he thinks that the current City ordinance is heavily based on the State's model ordinance and the State relies on a City's Corporation Counsel as the way to address these issues. He said he won't state categorically that the language is not there but he doesn't think it is. Mr. Douglas said the Task Force had spent time walking through the process by which a Commission would work, noting the need to maintain confidentiality and ways to make it as efficient and cost effective as possible. The concept would involve the Commission taking the allegations at face value, having a preliminary review of them with the parties involved, and if there appears to be enough merit to continue, then the Commission would employ some kind of an investigator. Mr. Douglas said that with the things involved in the proposed concept he is not sure that model language can be picked out of another Code book.

Mr. Sharp asked if there is a threshold before someone is paid to investigate allegations.

Mr. Douglas explained the process outlined: the Commission gets an allegation, holds a preliminary hearing in closed session, independently hears from the involved parties, determines whether there is indeed a problem or the allegation is frivolous. If there is a problem then there would need to be some fact checking, etc. He said that if there were a need to further investigate, it would probably not be practical for the Commission to attempt this investigation in addition to their daily work responsibilities; it would be at this point that an attorney would be hired to investigate and report back to the Commission. He said that the Commission would then decide whether there is enough merit to move forward.

In the absence of further Task Force or citizen comments, Mr. Sharp asked for Council discussion.

Mr. Sharp asked if Council were to go about setting up a Commission, what role would the Task Force play in either helping to develop it or more specifically reviewing what the Council comes up with? He asked if it is the Task Force's expectation that the proposal is in Council's hands to have staff work on it for the Task Force to review, or is the Task Force in the position that, if asked, it would review its proposal and come back to Council with some suggested structure?

Mr. Douglas stated that he hoped what was presented to Council is a logical outline that someone who is good with writing legislative language can take and put in appropriate ordinance language. He said that the Task Force will certainly want to see the draft ordinance to insure that the spirit of their recommendations gets incorporated, but he doesn't think it is worth the time pouring over laws setting up other commissions and Corporation Counsel should be involved given that she may be aware of how administrative commissions work. Mr. Douglas said he thinks the Task Force envisions this as not having a lot of process detail in terms of how the Commission does its business; making Commission regulations will be an evolutionary process. He recommended that the ordinance language be skeletal, laying out the principal process and then let the Commissioners work out the details.

Edward Kimmel, 215 South Manor Circle (Ethics Task Force member) stated that as the Task Force had envisioned the various ranges of questions and kinds of things that would be presented to the Commission, he had suggested that the Commission is going to be a creature of how it is used. He said it may be that what is needed from the Commission is to reassure the complaining party that they were heard, or the Commission may be used as an advisory panel for the Council and employees to ask questions about what would be an appropriate way to go on a perspective basis. Whether the principal use of the Commission is hearing complaints from citizens who do not feel like going to the offending party's boss to make a complaint or from people who would like to be able to address an issue anonymously, the Commission should be free to adopt procedures and policies to usefully adapt. Whether the Council believes the Commission can help it will shape the mandating of security or require that the ultimate review be to the Council or City Administrator to make public or not as those two bodies might choose. He stated that depending on what the Council wants the Commission to be, the rules should be written accordingly.

Mr. Prenskey commented on the Task Force's recommendation to have the City Council and appointed officials exercising good judgement and disclosing potential conflicts in a manner and with adequate notice to obey the spirit of the ordinance and said that he would like some thought given as to how Council will create

these type of opportunities. He said that in reference to the definitions on page 4, he would like Council to consider the proposed definitions that Council has gotten from the Family Diversity Task Force when considering the definition of 'immediate family' proposed by the Ethics Task Force.

Mr. Prensky said that the report's conclusion that free speech seems to obviate any restrictions or requirements on what election literature may or may not look like, would require Council to go back and see if we believe that and see that as a necessary limitation in the ethics law. He said that Council may have to eliminate some of the provisions of the election law as a consequence of accepting the recommendation made by the Ethics Task Force Report.

Mr. Sharp said that calling this issue a 'recommendation' made by the report is a little strong and that he reads it as the Ethics Task Force raises the point, suggesting that there might be a constitutional problem. He stated that he does not read it to say that the Task Force endorses the position that there is a constitutional problem.

Mr. Douglas stated that the Mayor's characterization of the report is accurate. The Task Force raises the question; it did not research it in any manner or discuss it with Corporation Counsel. In response to Mr. Prensky's second point, Mr. Douglas commented that the report's actual discussion said that the same definition of family should be used in the ethics ordinance as used elsewhere in the City Code and made reference to the fact that there is another task force working.

Mr. Elrich questioned where in the process on page 6 is the person accused given the right to confront the accuser and said he is trouble with the notion of confidentiality for a person making an accusation against a person, that could seriously affect the accused's reputation. He also stated that he is concerned about the process of a public hearing where no one has the responsibility for making a case for going forward; it seems that if there is a cause that necessitates a public hearing, then someone should be responsible for saying why the hearing has been called and that a conclusion needs to be reached.

Mr. Sharp said that on the point of confronting the accuser, this is precisely why confidentiality is important; as an administrative hearing process, the very point about the hearing is to determine whether the allegation warrants moving on to the next stage. He stated that the hearing is an efficiency matter to avoid turning everything that comes in over to an investigator, and if the accusation is frivolous the confidentiality will have been important in protecting the accused's reputation. Mr. Sharp supported the comment made by Mr. Elrich regarding a more structured presentation of facts.

Mr. Douglas said that the idea was that the initial allegation was made anonymously, the person may wish to remain anonymous and it really is not their responsibility to push the issue. The allegation may have enough merit on its own and the Commission would then be responsible to proceed with the allegation. He said that some way of proceeding at the public hearing makes sense and maybe the investigator can make a presentation of the facts to the public, for public comment. He stated that he sees the process similar to the way the Tree Commission proceeds.

Mr. Elrich said that it is almost a presumption that if the ball is rolling, the accused almost must be guilty, because the concern then appears to be to shelter the accuser regardless of what the accused is going through. He said that at some point in the public process the accused has the right to know who the accuser is so the accused is enabled to respond in a meaningful way. The person defending himself/herself is handicapped not

knowing where the allegations are coming from. He stated that the public process becomes a lot like a trail and that having people expressing opinions about the investigator's report that may or may not be true may not lead to the truth and may also prove to be an unpleasant and unnecessary experience.

Mr. Douglas said that they may have a basic disagreement about the continued confidentiality of the original complainant who he feels has the right to be shielded if he wants to be. He again reviewed the steps of the process and said that the Commission may have different reasons for making a public report--to say there is no problem or there is a lot evidence that there is a problem. He said he thinks it protects the subject of the complaint because that person has the opportunity to pursue the matter. He stated that the people being discussed are really elected and appointed officials, those people who are not employees dealt with internally according to City employee regulations. Mr. Douglas agreed that the Chair of the Commission needs to make it clear what the bounds are for allegations.

Mr. Johnson congratulated the Task Force on the work that it has done, pointed out that there are some grammatical changes that need to be made, and commented on the need to protect both the complainant and the rights of the person who stands to be accused. He stated that the phrase "...to all those individuals and organizations doing business with the City in any capacity" strikes him as extremely broad and questioned which is which. He further noted that in Section 2-15(b) there is reference to the Commission holding hearings against both staff and elected officials and asked that the Task Force members address the meaning of officials and employees in the definition.

Mr. Sharp said the language "...doing business with the City" does not make sense and that it would still be broad but better written "...doing business for the City".

Mr. Douglas said the concept here is to have vendors note that they are dealing with i.e. the Mayor's sister-in-law, and not pretend that they don't know and that the Task Force wants this side of the financial disclosure statement to work as well.

Mr. Johnson asked who is an official?

Mr. Douglas conceded that the definition needs work.

Mr. Sharp noted that the grievance process that addresses employee complaints will keep those issues going before the Commission political matters, inclusive of the City Administrator and the City Attorney. He questioned whether 'officials' also includes Department Heads, and maybe, the Deputies?

Mr. Douglas said that his recollection of the Charter is that the appointed officials are the City Administrator and the Corporation Counsel and that all others are covered by administrative procedures.

George LaRoche, 1 Valley View Avenue (Ethics Task Force member) responded that the reason to extend the definition to anyone that does business with the City is in order, if possible to later recoup any losses to that entity suffered by the City. The implication would be that whenever anyone does business with the City, they would understand that they are, in so far as they do that particular piece of business, also subject to this Code.

Mr. Johnson stated that from listening to this discussion there are four categories of people: staff, elected officials, vendors, and immediate families of each of these three categories.

Mr. LaRoche said that the breakdown is a little different than that Mr. Johnson stated. The center of the Code is focused on

anyone who acts on behalf of the City whether ethically or not and is designed to provide some recourse if the action is unethical.

Mr. Johnson called attention to page 6 of the draft ordinance where it is stated that "no party would bear the responsibility of making a case or 'going forward'". He said that he understands that the Task Force is trying to preserve the impartiality of the Commission but that it seems to him that if the Commission is going to make a decision that there has to be some burden that needs to be met then it seems there needs to be some level of proof. He said that he is not so sure that to say "no party..." will suffice because it seems that someone is going to have to make some standard.

Mr. LaRoche said Council should consider the context of where that statement lies (at the beginning, prior to the public hearing) and said that there is an expectation that this would be less of an external procedure and more of an internal populous procedure. He said that as an issue becomes a matter of interest to enough people, that they would push it forward.

Mr. Johnson said it is important to realize that we are dealing with peoples' reputations and asked that if we say that no party has the responsibility to make a case or going forward, then what burden must be met by the Commission in making a finding? He said it seems to him that the imperative of the Commission is to address not only improprieties, but the appearance of improprieties, and that the integrity of the process is one that needs to be perceived as fair and objective.

Mr. LaRoche said he agrees with Mr. Johnson's comments. He stated that everything prior to the public hearing would be confidential, including the name of the person accused and recalled the previous mention of the right to confrontation. He stated that in the criminal context there is no right to confrontation of witnesses against you until the hearing at which guilt and innocence is to be determined and to be the basis of deprivation.

Mr. Johnson stated that he didn't think that Mr. LaRoche's statement was correct.

Mr. Douglas said that if he understands Mr. Johnson's concern it is on what criteria and standards does the Commission reach its conclusion following the public hearing. He said he thinks it is right to think about these issues, but that if too rigid a set of decision rules is imposed on the Commission then the Commission will be denied the flexibility to reach conclusions.

Mr. Johnson said there are some issues that need to be addressed and that he believes the Task Force wants feedback on some areas that need work to refine and make the ordinance work.

Kathy Breckbill, 7104 Woodland Avenue (Ethics Task Force member) said that one of the main points is to give people with concerns about ethical conduct a place to go with those concerns-- currently they come before the Council at the beginning of a regular meeting at which time citizens can bring up issues that are not on the agenda. She said that the Commission is in the position as an objective party to protect the person in question and then go back to the complainant, ease their mind and end the issue there. She stated that she believed this to be the majority of types of things that would occur.

Mr. Kimmel said the process by which the Task Force derived their report included a lot of hypotheticals and gave an example as it would be put through the process.

Council Action:

Ms. Porter said she likes the suggestion that Corporation Counsel draft ordinance language that complies with the general outline of the Task Force's recommendations and that Corporation Counsel also look at the final paragraph to make sure that there is not a constitutionality problem there.

Mr. Sharp stated that he agrees that the last paragraph needs to be looked at but that we should look at another way to have the language drafted other than paying Corporation Counsel to do it. He said that he is inclined to look around at some other Maryland jurisdictions and also check the Maryland Code.

The Council reached a consensus that a draft ordinance will be prepared for Worksession on 6/21.

Mr. Prenskey suggested that a public hearing be scheduled preliminary to the first reading of the ordinance to allow citizen comment on the proposed ordinance.

Mr. Sharp brought the public hearing and discussion to a close at 9:18.

#4 Open Space Committee. Mr. Sharp explained that the briefing is in preparation and prior to the public forum that they will be holding on April 14th to discuss their open space proposals.

Chairman of the Open Space Committee, Faroll Hamer, noted that part of the agenda item presented to Council this evening are the goals and objectives of the Open Space Committee, the Committee's methodology in preparing its preliminary recommendations, the criteria for site selection, and the map (with sites visited by the Committee and those suggested to be revisited). She explained how the Committee went about preparing a "net lot" list for presentation to the Council.

Mr. Prenskey asked if in the third item of the goals and objectives the language "visual relief for" should read "visual relief from"?

Ms. Hamer said that they had written it to be "for" but it could just as well be "from".

Mr. Sharp asked what is the meaning of the asterisk?

Ms. Hamer responded that these are the lots remaining after earlier review and elimination of auction lots by Committee members. These are the lots the Committee wishes to visit as a group.

Mr. Prenskey asked how to identify file #17-3 that lacks an address other than Poplar Avenue?

Ms. Hamer answered that the lot is contiguous with the Lake Street property. She said that the Lake Street properties are being evaluated for flood plain and other environmental aspects.

Mr. Sharp said that he hopes the Open Space plan will be the document the Council works from when questions arise in the future regarding the purchase of open space. For example, if a property is not on the list, some sort of process would have to be implemented to get the property on the list before considering the purchase of it.

Mr. Johnson pointed out the Committee that the property at 1105 Haverford is no longer an undeveloped lot.

Ms. Hamer stated that the list is not complete and invited comments from the Council and citizens.

Mr. Prensky asked if "under served" (Criteria, II Service Area) means that other facilities do not exist within the eighth mile radius.

Ms. Hamer confirmed this definition.

Mr. Prensky asked what regulatory authority is being referred to (Criteria, IV)?

Ms. Hamer said this referred to regulations that prevent hundred year flood plains from being developed, another might be stream buffers, and other primarily environmental regulations.

Mr. Prensky suggested that it would make more sense to talk about "what the City might preserve, protect, or acquire" as opposed to a laundry list of "what the City might purchase."

Ms. Porter stated that she would not be able to attend the forum on Wednesday because she will be hosting a meeting on the development of one of the lots listed as open space. She said she wants to get a copy of the agenda item packet to the neighborhood associations/organizations in her Ward.

Mr. Sharp said that he feels that where the Council has to make a choice, the Open Space Committee's list should account for something. He noted that there is a public forum scheduled for April 14, at 8:00 p.m.

In the absence of further citizen and Council comments, Mr. Sharp thanked the Committee for their work.

#5 Resolution re: Socially Responsible Investment Policy. Mr. Sharp explained that this is a Resolution adopting a socially responsible investment policy.

Moved by Mr. Hamilton; seconded by Mr. Johnson.

Mr. Elrich suggested that the Resolution should begin with a statement of how and when things will change.

Ms. Habada said that she envisions a review of the City's current investments with the Local Government Investment pool and an examination of other funds that have been brought to her attention that the City is allowed under State law to invest in. She said that a third item will be to take a look at the banking relationships that we currently have and explained that there has been a practice by other local governments to bid out those services. She said that there will be a review of the current services the City is receiving from Citizens Bank to see if there is a need to pursue a bid for banking services and that review will be a FY'94 project that could result in bidding out banking services if it seems that we are not getting the best arrangements in our current banking relationship with Citizens Bank.

Mr. Sharp said that it is not completely clear what the redlining, underlining and shading of text means and that he thought that the section discussing "local bank investments" was deleted following the Council's last discussion of the policy. He stated that this suggested to him that this was not the final document.

Ms. Habada explained that in her absence the version of the policy pulled for presentation to Council may not be the most recent draft and that she would find a clean copy to put with the Resolution.

Mr. Prenskey said that if there are no other corrections to be made to the policy that the deletion of the section on "local bank investments" be made as an editorial comment and that Council go ahead with the Resolution with this understanding.

Mr. Sharp noted that the document in front of Council is not the final version but that there have been no other changes except the one mentioned and said that the Resolution will go ahead with the above deletion and one change to the first whereas clause.

Mr. Hamilton suggested that staff date documents to avoid confusion of draft documents in the future.

#### Citizen Comments

Bruce Sidwell, Spruce Avenue expressed concern with the definition of socially investment policy (pg.4,IV), and said he believes that in the interest of the City he would like to see the entire paragraph stricken. He said there is a problem with defining these things. He commented on the matter of process and questioned who is going to investigate and set up a screening of what is an appropriate kind of investment, and at what point do you get interested enough to investigate. As far as "due process" goes, once a company is accused of not being socially responsible, do they get a chance to come back and explain why they do things the way they do? He questioned the overall openness of the process. He said he imagined that there would be a committee appointed to watch over the implementation of the policy and asked who will watch over the committee?

Tom Anastasio, 32 Columbia Avenue said he recognizes the difficulty in defining "local bank" but concerned that there be some way that we review banks for their willingness to help out the community with building, business and other loans. If "local banks" is dropped, he would like to see such a statement as he has described still in the document. He said that a proactive stance that might leverage banks in local investment would be a very worthwhile thing for a socially responsible investment policy.

Kay Dellinger, Hampshire Towers said that she is very glad that the City is working on having a Socially Responsible Investment Policy and said that we should be trying to adhere to a socially responsible criteria for investments. She asked whether an investment review committee will be appointed?

Ms. Habada said that an Investment Review Committee will be comprised of the City Administrator, Deputy City Administrator, and perhaps the Accounting Supervisor and that such a committee will be comprised of staff, not a committee of citizens.

Ms. Dellinger asked if it would be possible to get other opinions, for example from the Nuclear Free Zone Committee and said she thinks this would be wise as well as hearing the opinions of other citizens who have expertise in this area. She expressed her strong support for this policy.

Mr. Prenskey said he is pleased with the adoption of a Socially Responsible Investment Policy. He commented on the adequate controls for the City and the Council and the clear delineation of who is making the decisions. He stated that the City Administrator will be held accountable both fiscally by the City audit and politically by the Council. He said that he doesn't feel the point is to accuse any institution of not being socially responsible but to actively choose those that we feel are higher on the scale of positive value.

Mr. Johnson stated that the policy is an important one that addresses very important issues beyond the Nuclear Free Zone issues.



Council Action: The Resolution was passed unanimously (Absent: Leary).

RESOLUTION #1993-34  
(Attached)

#6 2nd Reading Ordinance re: Building Officials and Code Administrators (BOCA) Property Maintenance Code and Article 2.  
Ms. Habada noted some corrections to the ordinance.

Mr. Castillo noted that the date on page 14 should be October 1 instead of October 15 and that there are some additional typographical errors.

Moved by Mr. Elrich with the noted adjustments; seconded by Mr. Hamilton.

Citizen Comments

Kay Dellinger, Hampshire Towers said she supports the passage of this Ordinance and that she approves of the changes that have been made.

Council Action: The Ordinance was unanimously adopted at second reading (Absent: Leary, Prensky).

ORDINANCE #1993-5  
(Attached)

#7 2nd Reading Ordinance re: FY'93 Budget Amendment #2  
Ms. Habada explained that this Ordinance appropriates money for engineering services to begin the necessary work in preparation for the upcoming budget discussions of street improvements.

Moved by Mr. Elrich; seconded by Mr. Hamilton.

Council Action: The Ordinance was unanimously adopted at second reading (Absent: Leary, Prensky).

ORDINANCE #1993-11  
(Attached)

#8 Resolution Closing Carroll Avenue in Observance of Earth Action Day!  
Mr. Sharp read an amended version of the Resolution and noted that Laurel Avenue will not be closed the full day.

Moved by Ms. Porter; seconded by Mr. Johnson.

Council Action: The Resolution was passed unanimously (Absent: Leary)

Mr. Sharp noted that on during the Old Town Festival last year there had been complaints about the blocking of curb cuts and sidewalks in the Takoma Old Town area and praised the organizers of Earth Action Day for showing concern about this issue in the materials that they distributed. He said that the City staff has the authority to make corrections on the spot to remove blockages.

#9 Change Order for Streetscape Improvements in the Takoma/Langley Development Authority  
Moved by Mr. Johnson; seconded by Mr. Hamilton.

Mr. Kowaluk stated that the reason for the change order was that the City received a real low bid from Concrete General on the work primarily because they are working on nearby sites and so the City is not paying for any mobilization fees for the

equipment. Their bid per unit aggregate cost was \$25 lower than any competitor.

Mr. Johnson asked when the project will be finished?

Mr. Kowaluk said they should finish in approximately 3 1/2 weeks barring any weather problems.

Ms. Porter asked for clarification that the money to be used for this project is CDBG funds, not City funds.

Mr. Kowaluk confirmed this.

Council Action: The Resolution was passed unanimously (Absent: Leary, Prensky)

RESOLUTION #1993-36  
(Attached)

Mr. Sharp noted that in the absence of Mr. Prensky, the Council will move on to the Consent Agenda.

#11 Consent Agenda. Moved by Ms. Porter; seconded by Mr. Hamilton.

The following Resolutions from the Consent Agenda were passed unanimously (Absent: Leary, Prensky).

Municipal Government Week  
RESOLUTION #1993-37  
(Attached)

Takoma Park Volunteer Fire Department (TPVFD) Board  
RESOLUTION #1993-38  
(Attached)

#10 Resolution Supporting the Montgomery County Parent Education Resource Centers. Moved by Mr. Prensky; seconded by Mr. Hamilton.

Mr. Prensky explained that this is a very active issue in front of the Montgomery County Council in their budget deliberations. He commented on what a valuable resource the Takoma Park Parent-Child Center is and that it provides a drop-in center where people can go with their children to play and learn and use the expertise of the child care professional who is a part-time staff person. Children with possible developmental problems can be identified as early as 18 months. With the County budget being tight, the School Board has recommended that the financial support for the staffing of these centers be dropped from the School Board's budget and that it be placed in the enterprise fund of the School Board. He said that the center is beneficial to a broad range of citizens in this city and that he hopes the County will return the funding to the proper place in the operating budget.

Citizen Comments

Suzanna Connaughton, 3 Hickory Avenue said she is a resident of Takoma Park and that she and her son regularly use the resource center and she asked for the Council's support in passing the Resolution. She gave some history of the centers, examples of the services offered, and explained some of the possible consequences if Montgomery County discontinues funding.

Council Action: The Resolution was passed unanimously (Absent: Leary).

RESOLUTION #1993-39  
(Attached)

Mr. Prenskey commented that any citizen can call the County Council's comment line at 217-7999 and express their feelings.

Adjournment moved by Mr. Johnson; seconded by Ms. Porter.  
Council adjourned at 10:21 p.m.

**RESOLUTION OF CONDOLENCE #1993-32**

**WHEREAS,** *Paula Jo Habada, sister and best friend of City Administrator Beverly Habada, passed away after a prolonged illness on April 4, 1993; AND*

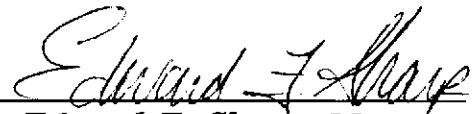
**WHEREAS,** *Paula Jo Habada was a great teacher whose caring and concern for her students was woven into the fabric of all that she did for her students; AND*

**WHEREAS,** *She was a compassionate humanitarian whose lifelong service to the community has forever enriched those she touched.*

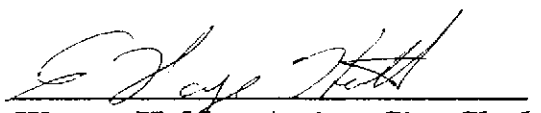
**NOW, THEREFORE, BE IT RESOLVED THAT** *the City Council of Takoma Park, Maryland, joins with City Staff to extend its deepest sympathy to Beverly Habada and her family in their great loss; AND*

**BE IT FURTHER RESOLVED THAT** *this Resolution be placed in the permanent records of the City, with an appropriate copy also prepared for Beverly Habada and family.*

*Dated this 9th day of April, 1993.*

  
Edward F. Sharp, Mayor

**ATTEST:**

  
Wayne Hobbs, Acting City Clerk

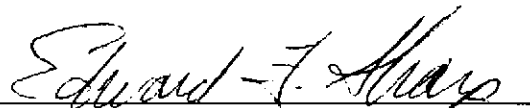
**RESOLUTION OF CONDOLENCE #1993-33**

- WHEREAS,** On March 22, 1993, long-time Takoma Park resident Jennifer V. Magnus departed this life after a lengthy illness; AND
- WHEREAS,** Shortly after her 1984 retirement from the Library of Congress, Mrs. Magnus became a highly-esteemed Takoma Park Police Department volunteer; AND
- WHEREAS,** Until a short time before her death, she served faithfully as a volunteer, preparing important monthly statistical reports, handling arrest warrants and entering data into the Criminal Investigations Division computer; AND
- WHEREAS,** Her high intelligence, wide interests and witty comments while working as a volunteer also contributed in no small measure to the edification and pleasure of her paid co-workers; AND
- WHEREAS,** She will be deeply missed by police officers and other City employees, as well as many Takoma Park residents.

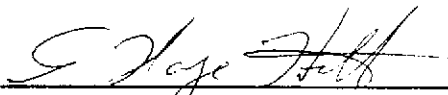
**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, on behalf of police and other City employees and all the people of Takoma Park, hereby extends to the family of Jennifer Magnus this expression of heartfelt sympathy in their great loss; AND

**BE IT FURTHER RESOLVED THAT** this Resolution be spread upon the permanent records of the City of Takoma Park, and that an appropriate copy be prepared for Leslie Magnus and John Magnus, sons of Jennifer Magnus.

Dated this 12th day of April, 1993.

  
Edward F. Sharp, Mayor

ATTEST:

  
Wayne Hobbs, Acting City Clerk

Introduced By: Councilmember Hamilton  
(Drafted by: C. Sartoph)

**RESOLUTION #1993 - 34**

**ADOPTING A SOCIALLY RESPONSIBLE INVESTMENT POLICY**

**WHEREAS,** it is the policy of the City of Takoma Park to invest according to State laws and adhere to the objectives of fund safety, liquidity and yield; AND

**WHEREAS,** it is the policy of the City of Takoma Park to act in a socially responsible manner in the management and investment of City funds; AND

**WHEREAS,** the priority of the City is to maximize its efforts toward socially responsible investing; AND

**WHEREAS,** this Policy intends to cover most short-term operating funds and general fund investment activities under the direct authority of the City; AND

**WHEREAS,** this Policy sets forth policies and procedures governing the guidelines for the City's Socially Responsible Investment Policy.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, hereby adopts a Socially Responsible Investment Policy; AND

**BE IT FURTHER RESOLVED, THAT** the Socially Responsible Investment Policy is incorporated by reference and made a part of this Resolution; AND

**BE IT FURTHER RESOLVED, THAT** the Socially Responsible Investment Policy become effective immediately upon passage of this Resolution.

Dated this 12th day of April, 1993.

RESOLUTION NO. 1993 - 35

Resolution Declaring Support By The City Council Of Takoma Park for Earth Action Day, April 18, 1993.

WHEREAS, The natural setting of Takoma Park is of primary importance to the residents of the City; AND

WHEREAS, The current residents of Takoma Park have the responsibility of stewardship of our natural setting -- the land, trees, public and private spaces, watershed -- to protect, preserve and enhance it for future generations; AND

WHEREAS, The City Council recognize their own stewardship role, developing programs and administrative practices which are environmentally responsible, such as the recycling program, the Tree Ordinance, the Open Space Ordinance, and the formation of the Committee On The Environment; AND

WHEREAS, The residents and City of Takoma Park recognize the importance of the concept: "Think globally, act locally" which encourages awareness of both local and broader perspectives.

NOW THEREFORE BE IT RESOLVED THAT the City Council of Takoma Park supports and encourages the local environmental celebration called Earth Action Day! Takoma Park, with it's community celebration on April 18, 1993, as well as longer term goals to explore energy efficiency, renewable energy technologies, reduction of pollution and protection of natural resources in Takoma Park; AND

BE IT FURTHER RESOLVED THAT the City Council of Takoma Park authorizes extending the hours of the closing of Laurel Avenue between Eastern Avenue and Carroll Avenue on the opening day of the Takoma Park Farmer's Market, April 18, from 2:30 PM to 5:30 PM and further authorizes the closing of Carroll Avenue between Laurel Avenue and Tulip Avenue from 9AM to 6 PM for Earth Action Day!, April 18, 1993.

Adopted this twelveth day of April, 1993.

Introduced By: Councilmember Johnson

Resolution 1993-36

WHEREAS, bids were recently received for an Indefinite Quantities contract to accomplish various streetscape improvements for the Takoma/Langley Streetscape Improvement Project Phase I; AND

WHEREAS, the Council accepted the low bid from Concrete General, Inc. for this work; AND

WHEREAS, the Council authorized contract award to Concrete General, Inc. for this work in the amount of \$149,054.00; AND

WHEREAS, the Council has expressed an interest in accomplishing additional streetscape improvements as referenced in the Takoma/Langley Streetscape Improvement Project Phase II; AND

WHEREAS, The Council has expressed an interest in taking advantage of the favorable unit prices in the contract authorized for award to Concrete General, Inc.; AND

WHEREAS, the City Procurement Regulations provide for change orders to existing contracts above 25% limit with the approval of Council; AND

WHEREAS, funds in the approximate amount of \$45,200.00 have been set aside and are currently available in the City's PY-18 CDBG allocation from Prince George's County for the related streetscape improvements; AND

NOW THEREFORE BE IT RESOLVED, that the Director of Housing and Community Development is authorized, pursuant to section R3-106.01 of the Regulations relating to the construction contracts, to issue task orders for various streetscape improvements throughout the City for an aggregated contract amount not to exceed \$194,254.00; AND

BE IT FURTHER RESOLVED, that the Director of Housing and Community Development will exercise this authority only pursuant to consultation with Council, relative to the specific streetscape improvements and scope of work specified for the Takoma/Langley Streetscape Improvements.

ADOPTED THIS 12th DAY OF APRIL, 1993



# PROCLAMATION

## MUNICIPAL GOVERNMENT WEEK APRIL 26 - 30, 1993

(Resolution #1993-37)

**WHEREAS,** Since the chartering of Annapolis in 1708, municipal government has played a vital and productive role in the State of Maryland - providing valuable leadership and meeting the daily needs of the residents of Maryland's cities and towns; AND

**WHEREAS,** Maryland is home to 154 municipalities, ranging in size from the City of Baltimore to the Town of Port Tobacco, and municipal residents comprise over one-third of our state's population; AND

**WHEREAS,** The City of Takoma Park was chartered in 1890 and its municipal government actively serves the citizens of Takoma Park; AND

**WHEREAS,** Municipal government has continually fostered a strong foundation for government service and cooperation at the county, state and federal levels of government... as our municipalities and their elected officials have remained dedicated to pursuing excellence in areas including the beautification of their respective communities, environmental protection, education, senior citizen programs and in many other uplifting ways; AND

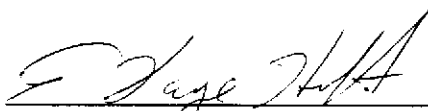
**WHEREAS,** Municipalities have also enhanced the quality of life for their respective residents by maintaining natural and historic sites and structures, helping to make Maryland a great place to live, work and explore; AND

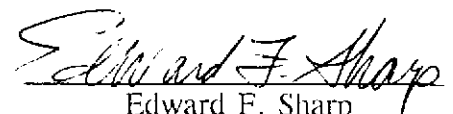
**WHEREAS,** Takoma Park is pleased to join with other cities and towns in the State of Maryland and the Maryland Municipal League in celebrating 285 successful years of municipal government in this state, in reflecting on a bountiful history of outstanding public service for local municipal governments, and in looking to the future with tremendous hope and promise.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of Takoma Park, Maryland, does hereby recognize April 26 - 30, 1993 as MUNICIPAL GOVERNMENT WEEK in Maryland, and do commend this observance to all Takoma Park citizens.

Dated this 12th day of April, 1993.

ATTEST:

  
\_\_\_\_\_  
T. Wayne Hobbs, Acting City Clerk

  
\_\_\_\_\_  
Edward F. Sharp  
Mayor

Introduced by: Councilmember Porter  
(Drafted by: C. Sartoph)

**RESOLUTION #1993 - 38**

**WHEREAS,** as a matter of practice, a representative of the Takoma Park City Council has been designated to serve on the Takoma Park Volunteer Fire Department Board of Directors; AND

**WHEREAS,** in 1991, Councilmember Gregory Hamilton was appointed to serve a 2-year term on the Board of Directors; AND

**WHEREAS,** the Mayor has asked Councilmember Hamilton to work on the Montgomery County Chapter Maryland Municipal League project organizing cable channels for several municipalities; AND

**WHEREAS,** Councilmember Hamilton feels he is unable to effectively serve in these simultaneous appointments; AND

**WHEREAS,** the City Council has accepted his resignation from the Takoma Park Volunteer Fire Department Board of Directors and Councilmember Lloyd Johnson has volunteered to serve the remainder of the term.

**NOW, THEREFORE, BE IT RESOLVED THAT** Councilmember Lloyd Johnson shall serve on the Takoma Park Volunteer Fire Department Board, as the Council's representative until November 2, 1993, the City's Election Day; AND

**BE IT FURTHER RESOLVED THAT** this appointment is effective immediately.

Dated this 12th day of April, 1993.

**Introduced By: Councilmember Prensky**

**RESOLUTION #1993-39**

**Resolution supporting the Montgomery County Parent Education Resource Centers  
and Specifically the Takoma Park Parent-Child Center**

- WHEREAS,** Montgomery County demonstrated vision by being at the forefront of parent education and recognizing the long term benefits of fostering early childhood development by creating the Parent Education Resource Centers in 1978, including the Parent-Child Center in Takoma Park established in 1984; AND
- WHEREAS,** the Centers educate parents and caregivers to be the teachers, nurturers and role models for our children by providing: encouragement of constructive play and interaction between caregivers and their children, professionally informed answers to child rearing and development questions, and referral to other community agencies that serve children and families; AND
- WHEREAS,** the Centers provide the only universally available drop-in access for caregivers of children under age 3 to participate in appropriate educational activities and structured and unstructured play, all overseen by early childhood development professionals; AND
- WHEREAS,** the Centers are regularly used by families across all socio-economic boundaries; AND
- WHEREAS,** education and early childhood development specialists have developed strong evidence supporting the necessity of successful programs in the pre-school and early years to lay the foundation for helping children reach their full potential, beginning with school readiness; AND
- WHEREAS,** the Centers teach and encourage parents to take an active part in what their children are learning, laying the foundation for the parents' school readiness and a productive relationship with Montgomery County Public Schools; AND
- WHEREAS,** the Center in Takoma Park has been highly successful among the parents and caregivers of Takoma Park by providing this valuable resource, especially to citizens of lesser means; AND
- WHEREAS,** the Takoma Park Parent-Child Center successfully provides educational and referral benefits, and also helps nurture the sense of community so strongly needed by our children, families, City, and our County; AND

**WHEREAS**, the Centers are inexpensive to operate--approximately \$83,000 to staff all five Centers in the County; AND


**WHEREAS**, the Board of Education has voted to move the FY94 funding for the Centers to the Enterprise Fund, thereby cutting the Center's funding to \$0 and leaving fund-raising up to the Centers, which have neither the administrative resources nor the experience to engage in such fund-raising; AND

**WHEREAS**, the responsibility for parent education and the fostering of early childhood development--especially given the long term benefits that the Centers provide to Montgomery County Public Schools--should remain with the school board and County.

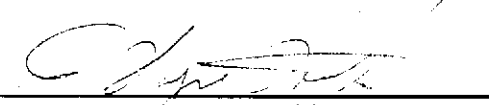
**NOW, THEREFORE, BE IT RESOLVED THAT** that the City Council of Takoma Park requests the County Council to support parent education and foster early childhood development by continuing to fund the Parent Education Resource Centers in the County's working budget, bringing the County's financial support from the FY94 proposed level of \$0 back to the original FY93 level of approximately \$83,000; AND

**BE IT FURTHER RESOLVED THAT** copies of this resolution of the City Council of Takoma Park be forwarded to Montgomery County Executive Neal Potter and all members of the Montgomery County Council.

Dated this 12th day of April, 1993.

  
Edward F. Sharp  
Mayor

ATTEST:

  
T. Wayne Hobbs  
Acting City Clerk

Introduced By: Councilmember Porter  
(Drafted By: C. Sartoph)

First Reading: 3/22/93  
Second Reading: 4/12/93

**ORDINANCE #1993 - 11  
FY 93 BUDGET AMENDMENT NO. 2**

**AN ORDINANCE TO AMEND THE FISCAL YEAR 1993 BUDGET**

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

SECTION 1. that the Fiscal Year 1993 Budget be amended as follows:

**General Fund**

- a. Appropriate \$22,000 from Unappropriated Reserves for engineering services for the street repair program, and increase Account 3100.6105, Public Works Architectural and Engineering Services, for street repair engineering services.

SECTION 2. that this Ordinance shall become effective upon adoption.

Upon motion by Councilmember Elrich, duly seconded by Councilmember Hamilton, the ordinance was adopted by roll call vote as follows:

AYE: Sharp, Elrich, Hamilton, Johnson, Porter  
NAY: None  
ABSTAIN: None  
ABSENT: Leary, Prensky

Introduced by: Councilmember Elrich

1st Reading: 2/8/93  
2nd Reading: 4/12/93  
Effective Date: 4/12/93

ORDINANCE NO. 1993 - 5

HOUSING

CHAPTER 6, ARTICLE 1 AND 2 OF THE TAKOMA PARK CODE

WHEREAS It is the desire of the City Council of the City of Takoma Park, Maryland to set standards for improved housing conditions, to provide for and protect the health and safety of persons; AND

WHEREAS The Provisions as set forth in Chapter 6 Article 1, General Provisions and Article 2, Property Maintenance Code adopt by reference the Building Officials and Code Administrators (BOCA), National Property Maintenance Code (1990) and indicate modifications as herein provided as an enforceable regulations governing existing structures and premises.

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

SECTION ONE. Chapter 6, Article 1, General provisions and Article 2, Property Maintenance of the Takoma Park Code are hereby repealed and replaced with the following:

**CHAPTER 6.  
HOUSING.**

**ARTICLE 1. GENERAL PROVISIONS.**

- § 6-1. Conflict of laws.
- § 6-2. Exemption from county codes.
- § 6-3. Reserved.

**ARTICLE 2. PROPERTY MAINTENANCE CODE.**

- § 6-4. BOCA National Property Maintenance Code adoption copies.
- § 6-5. Enforcement of Article; coordination with county and state.
- § 6-6. Exceptions and modifications to Property Maintenance Code.
- § 6-7. Screening of solid waste container areas.
- § 6-8. Preservation; paved parking areas.
- § 6-9. Lighting at entrances.
- § 6-10. Refrigeration for food preservation.
- § 6-11. Cabinets and shelves.
- § 6-12. Graffiti.
- § 6-13. Drug and poison storage.
- § 6-14. Installation and care of plumbing fixtures and other basic facilities by occupant.
- § 6-15. Utilities.
- § 6-16. Air Conditioning in buildings designed with Mechanical Refrigeration.
- § 6-17. Transfer of responsibility.
- § 6-18. Conflict of interest.
- § 6-19. Reserved.
- § 6-20. Reserved.
- § 6-21. Reserved.
- § 6-22. Reserved.
- § 6-23. Reserved.
- § 6-24. Reserved.
- § 6-25. Reserved.
- § 6-26. Notice to owner or to persons responsible.
- § 6-27. Form of notice.
- § 6-28. Violations.
- § 6-29. Penalties.
- § 6-30. Transfer of liability.
- § 6-31. Reserved.
- § 6-32. Reserved.
- § 6-33. Reserved.
- § 6-34. Reserved.

§ 6-35. Reserved.  
§ 6-36. Reserved.  
§ 6-37. Reserved.  
§ 6-38. Reserved.  
§ 6-39. Reserved.  
§ 6-40. Reserved.



**TAKOMA PARK CODE**

**CHAPTER 6.  
HOUSING.**

**ARTICLE 1. GENERAL PROVISIONS.**

**Sec. 6-1. Conflict of laws:**

In case of conflict between any provisions of this chapter and any other chapter of this Code, or enactment by the county in which the premises are located, whether in relation to zoning, building, fire, safety or health matters, or otherwise, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail, and the provision containing the lower standard, if contained in this Code, is hereby repealed to extent of the conflict .

**Sec. 6-2. Exemption from county codes:**

(a) Pursuant to the authority conferred by Article 23A, Section 2B of the Annotated Code of Maryland and by Section 1-203 of the Montgomery County Code, the City of Takoma Park, Maryland, hereby exempts itself from Chapter 26, The Housing Code, and from Chapter 29, The Landlord Relations Act, of the Montgomery County Code.

(b) Pursuant to authority conferred by Article 23A, Section 2B of the Annotated Code of Maryland, the City of Takoma Park, Maryland hereby exempts itself from Subtitle 13, Housing and Property Standards, Division 1, Housing Code, Division 3, Landlord-Tenant Regulations, and Division 4, Rental Housing, of the Prince George's County Code.

**Sec. 6-3. Reserved.**

## **Article 2. Property Maintenance Code**

### **Sec. 6-4 BOCA National Property Maintenance Code adoption copies.**

(a) The "BOCA National Property Maintenance Code, Third Edition, 1990," as published by Building Officials and Code Administrators (BOCA) International, Inc., is hereby adopted as the Property Maintenance Code of the City of Takoma Park Maryland as though set out in full herein with the exceptions and modifications set forth in this Article.

(b) At least three (3) copies of the BOCA National Property Maintenance Code shall be on file in the office of the City Administrator for public inspection and use.

### **Sec. 6-5. Enforcement of Article; coordination with county and state.**

(a) The City Administrator is designated the City official responsible for enforcement and administration of the BOCA National Property Maintenance Code.

(b) The City Administrator may appoint Code Enforcement Officers, assistants, and other employees as necessary to carry out the administration and enforcement of the BOCA National Property Maintenance Code. The City Administrator also may assign responsibility for the administration and enforcement of Article 2 to any department of City government.

(c) Administration and enforcement of the Property Maintenance Code shall be coordinated to the maximum extent feasible with other city and county departments, boards, commissions, agencies and the City Council, in order that corrective actions and resources may efficiently and effectively applied to the common goal of attainment of improved housing conditions.

### **Sec. 6-6. Exceptions and modifications to Property Maintenance Code.**

The following additions, insertions, deletions and changes to the Property Maintenance Code adopted by this Article 2 are made:

**PM-100.1, Title, is amended as follows:**

These regulations shall be known as the Property Maintenance Code of the City of Takoma Park, Maryland. It is hereinafter referred to as "this code" or as the "Property Maintenance Code".

**PM-104.1, Code Official, is amended as follows:**

All references to the "code official" in the Property Maintenance Code shall mean the City Administrator or his or her designated representative.

**PM-104.3, Inspections, is amended to read as follows:**

1. Subject to the limitation and conditions hereinafter stated, it shall be the duty of the Code Official to make or cause to be made inspections as often as necessary to determine the exterior conditions of all dwellings and premises in the City in order to safeguard the health, safety, and welfare of the public under the provisions of this Code. Such inspections shall be made in response to citizen or official complaints or other reliable information or allegations of violations of this Code or other applicable laws. Exterior inspections of dwellings and premises shall be made on a systematic basis (house-by-house, block-by-block) during daylight hours, in areas, communities or neighborhoods when it is determined by the Code Official that such action is necessary to properly apply and enforce the provisions of this Code.
2. It also shall be the duty of the Code Official to make or cause to be made inspections of the interior and exterior of all rental facilities in the City as necessary for the licensing of such rental facilities or in response to citizen and official complaints or requests or other reliable information of violations of the Property Maintenance Code or other applicable laws.
3. The following limitations and conditions shall be observed by the Code Official in the performance of inspections of rental facilities which require entry and access:
  - a. Proof of credentials and identity shall be exhibited to the occupant or person in charge, stating the purpose for which entry is requested. If permission is granted, the inspection or other authorized activity shall be conducted in the normal manner.
  - b. The occupant, tenant, owner or operator of a rental facility, dwelling unit or rooming unit, or his or her agent or employee shall accompany or be present during the time that the Code Official conducts the inspection.

- c. Every dwelling unit and rooming unit in a rental facility shall be inspected for compliance with the Property Maintenance Code. In furtherance of this inspection, every owner, operator, and occupant of a rental facility, dwelling unit, or rooming unit, in the City shall give the Code Official access to the rental facility, dwelling unit, or rooming unit at all reasonable times for the purpose of making such licensing and other inspections as are necessary to comply with the provisions of this code or other applicable laws. If such access is provided, the Code Official shall not need a warrant authorizing entry; however, upon demand, the Code Official shall seek a warrant authorizing entry, pursuant to subsection e. below.
- d. Permission need not be obtained for entry to spaces and areas to which the public is ordinarily invited.
- e. If entry is denied or access to interior, non public areas is restricted so as to limit or impair an inspection or other authorized function, then, and in that event, no forced entry shall be attempted or made. Instead, application shall be made to a judicial officer for a warrant authorizing entry and the performance of such inspection or other authorized function.

**PM-104.4, Right of Entry, is deleted in its entirety.**

**PM-104.11, Official records, PM-104.11 is amended as follows:**

The Code Official shall keep, or cause to be kept, a record of all inspections conducted under the provisions of the Property Maintenance Code. These records shall be open to public inspection unless otherwise prohibited or restricted by Maryland or federal statute or by any ordinance or regulation having the force and effect of law.

**PM-105.0, Demolition, is deleted in its entirety.  
(PM-105-1 to 105.6)**

**PM-106.0, Notices and Orders, is deleted in its entirety.  
(PM-106.1 to 106.6)**

**PM-107.0, Placarding, is deleted in its entirety.  
(PM-8107.1 to 10-7.3)**

**PM-108.0, Emergency Measures, is deleted in its entirety.  
(PM-108.1 to 108.6)**

**PM-109.0, Violations, is deleted in its entirety.  
(PM-109.1 to 109.3)**

**(PM-110.0, Demolition, is deleted in its entirety.  
(PM-110.1 to 110.5)**

**PM-111.0, Right to Appeal, is deleted in its entirety.  
(PM111.1 to 111.3)**

**PM-201.0, Applied meaning of words and terms, shall remain in full force and effect with the following additions, deletions and amendments:**

**Graffiti:** Any and every name, identification description, announcement, declaration, demonstration, display, illustrations or insignia, other than advertising which is otherwise provided for in this code, or other ordinances of the City, which without authorization is marked, written, drawn, painted, scratched, inscribed, or affixed directly to or upon any of the following objects or structures: Public or private curbstone, flagstone, or any portion or part of any sidewalk or street or upon any tree, lamppost, postal mail receptacle, sign, hydrant, gate, fence, door, wall, window, garage, enclosure, vehicle, bridge, pier or upon any other public or private structure or building.

**Rental Facility:** Any dwelling, apartment house, rooming house, dwelling unit, rental unit, structure, building, premises or room which is intended or arranged for use or occupancy as a residence by one or more persons and for which the owner or operator charges or receives rent or other consideration.

**PM-301.1, Sanitation, is amended to read as follows:**

All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage. The storage for any period of time in an open area on residential property of any ice box, refrigerator, stove, glass, building materials, building rubbish or refuse, furniture or similar items or material is also prohibited, irrespective of age or condition. It is the duty of the owner and/or occupant to maintain the outside premises of residential property free of all such items, including but not

limited to weeds, dead trees, trash, garbage and the like, and to remove such items from their prohibitive location upon notice from the Code Official.

**PM-301.7, Accessory structures, is amended to read as follows.**

All accessory structures on premises such as, but not limited to detached garages, storage sheds or buildings, driveways, exterior walkways and steps, fences or other constructed appurtenances and facilities, shall be maintained structurally safe and sound and in good repair. Exterior steps and walkways shall be maintained free of unsafe obstructions or hazardous conditions.

**PM-301.8, Motor vehicles, is amended to read as follows.**

- (a) It shall be unlawful in any residential area or on any property zoned residential for any person to store, park, leave, or cause or permit the storing, parking, or leaving of:
- (1) Any vehicle which is wrecked, dismantled or partly dismantled, disabled or inoperative, abandoned or in disrepair; and is visible from the street, sidewalk, or other public right-of-way or from any other person's private property for more than forty-eight (48) hours, whether or not the property on which the vehicle(s) is located is owned, leased, or used with or without the consent of the owner or tenant; it being understood that covering a vehicle with plastic or a tarpaulin does not render it invisible; or
  - (2) More than one (1) unregistered and/or uninspected motor vehicle; or
  - (3) More vehicles, regardless of their condition, registration, or inspection status, than there exist parking places allowed for under applicable zoning laws; or
  - (4) Any vehicle anywhere on the property except the garage, carport, driveway, driveway apron or other paved surface: provided, however, that nothing contained herein shall be interpreted as allowing or authorizing blocking or impeding the sidewalk or eliminating of green space in excess of that permitted by applicable zoning laws and regulations; or
  - (5) Any vehicle that is incapable of being moved

under its own automotive power and that is more than five (5) years old based upon its year of manufacture.

(6) Except in sheds, garages, or other structures, any automotive or truck parts, components, or tires.

(b) As used in this section, "vehicle" shall mean any motor vehicle as defined in 11-135 of the Transportation Article of the Annotated Code of Maryland, including but not limited to any automobile, truck, van, recreational vehicle (RV), motorcycle, tractor, or other motorized farm implement and any other device in, on, or by which any individual or property is or might be transported or towed on a highway, including but not limited to flatbed trailers, semitrailers, boat trailers, and campers.

(c) Any violation of this section shall be a Class C offense. Each vehicle left, stored, or parked in violation of this section shall constitute a separate violation. A subsequent violation shall not be deemed to have occurred until and unless the time provided in Subsection (d) below shall have expired.

(d) No person shall be issued a municipal infraction citation for a violation of this section without being first given a warning notice and not less than seventy-two (72) hours to cure the violation and come into compliance with this section. If within seventy-two (72) hours of receiving a warning notice a person cures the violation and comes into compliance, no municipal infraction citation shall be issued. If the person does not do so within said seventy-two (72) hours, even if they shall later cure the violation and come into compliance, a violation shall be deemed to have occurred, and a municipal infraction citation may be issued.

(e) Without limitation upon or election against any other available remedy, the city or any other aggrieved party, including but not limited to any adjoining property owner, may apply to a court of competent jurisdiction for an injunction enjoining any violation of this section. An injunction shall be issued prohibiting any continued violation of this section upon a showing that after notice from the city to remove vehicles from the subject property such vehicles were not removed. The court shall award attorney's fees and costs to any party who succeeds in obtaining an injunction hereunder.

**PM-302.8, Overhang extensions, is amended to read as follows:**

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, gutters, downspouts, and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**PM-302.10, Handrails and guardrails (exterior structure), is amended to read as follows:**

Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the treads. Guardrails shall not be less than 30 inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Every handrail shall be "graspable" - not a 2" x 4".

**PM-302.11, Window and door frames, is amended to read as follows:**

Every window, door and frame shall be kept in sound condition, good repair and weather-tight.

(a) Security locks or pins are required on windows and sliding doors less than three (3) stories above the ground, which shall include any stories which are partially below ground. Tack locks<sup>1</sup> and charlie bars<sup>2</sup> shall be deemed acceptable for sliding glass doors.

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<sup>1</sup> Any locking device that when pushed into a window or door frame; locks and secures that window or door to its frame and/or adjacent window or door.

<sup>2</sup> any device made of wood or metal that acts as a stop when placed between a frame and window or door.



Casement windows shall fit tightly and the latch and/or crank shall be capable of firmly closing and latching the windows.

(b) All double French or paired exterior doors shall be equipped with a vertical dead-bolt lock affixed to both doors, with either cane bolts or concealed header and threshold bolts located at the top and bottom of each such door. A horizontal bolts located at the top and bottom of each such door. A horizontal dead-bolt lock attached to both doors may be used when concealed header and threshold bolts are used on one (1) such door.

**PM-302.12, Insect screens, is amended to read as follows:**

(a) **Maintenance of screens:** In the absence of a written agreement to the contrary between the owner and occupant, maintenance or replacement of screens and screen doors, once installed in any one season, shall become the responsibility of the occupant.

(b) **Screens generally:** Every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

**Exception:** Screen doors shall not be required for out-swinging doors or other types of openings which make screening impractical, provided other approved means, such as air curtains or insect repellent fans are employed.

**PM-302.13, Doors, is amended as follows:**

Entrance doors shall be provided with approved locking devices so as to provide security against unauthorized entry. The locking devices on main entrance doors must include a deadbolt with not less than a five-eighths-inch minimum throw, with the deadbolt capable of being activated by key from the outside and by turn knob from the inside. Door locks and the manner of installation shall be subject to the specific approval of the Code Official. Every exterior door, door hinge, door lock, and door latch shall be maintained in functional condition. The requirements of this section apply to all rental facilities, dwelling units, rental units, and rooming units in the City.

**PM-303.4, Lead-based paint, is amended to read as follows:**

Removal of old interior or exterior paint, suspected of containing lead, is the responsibility of the landlord. Tenants are specifically prohibited from paint removal, scraping or sanding of painted surfaces because of the danger of lead poisoning.

If interior or exterior paint is flaking, peeling or chalking, the landlord must have the paint tested for the presence of lead. If lead paint is present at a level of .06% by weight or greater, the paint must be removed or covered. The removal or covering of that paint must be done by a contractor that has had the State of Maryland approved training for lead abatement.

**PM-303.8, Handrails and guardrails (interior structure), is amended to read as follows:**

Every flight of stairs which is more than four risers high shall have a handrail on at least one side of the stair, and every open portion of a stair, landing or balcony which is more than 30 inches (762 mm) above the floor or grade below shall have guardrails. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the floor of the landing or balcony. Guardrails shall be not less than 30 inches (762 mm) high above the floor of the landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition. Every handrail shall be "graspable" - not a 2" x 4".

**PM-501.3, Hotels, is deleted in its entirety.**

**PM-501.4, Employee Facilities, is deleted in its entirety.**

**PM-502.2, Location, is amended to read as follows:**

Toilet rooms and bathrooms serving rooming units shall be accessible by traversing not more than one flight of stairs and shall be accessible from a common hall or passageway.

**PM-502.3, Location of employee toilet facilities, is ~~deleted~~ in its entirety.**

**PM-504.4, Water heating facilities, is amended to read as follows:**

Water heating facilities shall be properly installed, maintained, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F. (43° C.) and not more than 140° F. (60° C.). A gas-burning water heater shall not be located in any bathroom, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

**PM-601.1, Residential buildings, is amended as follows:**

- (a) Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 68 ° F. (20°C.) at a level of 3 feet (914 mm) above the floor and a distance of 3 feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.
- (b) Every owner and operator of any rental facility, dwelling or building who rents, leases or lets one or more dwelling units, rental units or rooming units, on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to April 30 of each calendar year, to maintain a room temperature of not less than 68° F. (20° C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60° F. (16° C.) during other hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position.

**PM-601.3, Cooking and heating equipment, is amended to read as follows:**

All cooking and heating equipment, components, and accessories in every heating, cooking, and water heating device shall be properly installed and maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accidental hazards. All installations and repairs shall be made in accordance with the provisions of the building code or other laws or ordinances of the municipality applicable thereto. Portable cooking and heating equipment employing flame is prohibited.

**PM-801.1, Cleanliness, is amended to read as follows:**

Every occupant of a structure, dwelling, dwelling unit, rental unit or rooming unit shall keep that part of the structure, exterior property, and all supplied basic facilities, including plumbing fixtures, cooking and refrigeration equipment and electrical fixtures, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation. Every owner of a structure containing a rooming house, two or more dwelling units, or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**PM-801.4, Garbage facilities, is amended to read as follows.**

The owner of every rental facility shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit and rental unit, an approved incinerator unit in the structure for the use of the occupants in each dwelling unit and rental unit or an approved leakproof, covered outside garbage container.

**Exception:** In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish approved containers for the storage of such materials until removed from the premises for disposal.

**PM-801.4.1, Containers, is amended to read as follows.**

The operator of every establishment producing garbage shall provide, and at all times cause to be used, leakproof approved containers provided with closefitting covers for the storage of such materials until removed from the premises for disposal.

**Exception:** In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish approved containers for the storage of such materials until removed from the premises for disposal.

**PM-801.5, Rubbish storage facilities, is amended to read as follows.**

The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**Exception:** In the case of single- or two-family dwellings, it shall be the responsibility of the occupant to furnish approved containers for the storage of such materials until removed from the premises for disposal.

**Sec. 6-7. Screening of solid waste container areas**

The owner and occupant of commercial or industrial property must screen from view at street level any solid waste container or solid waste storage area on the property if the container or storage area can be seen from the street level of any residential property. The owner of multifamily residential property must screen from view at street level any solid waste container or solid waste storage area on the property if the container or storage area can be seen from the street level of any residential unit on the property or the street level of any other residential property. This paragraph does not apply to temporary solid waste containers at construction sites.

**Sec. 6-8. Preservation, paved parking areas:**

The exterior surfaces of paved parking areas shall be made weather resistant through the use of decay resistant materials or the use of paint or other preservatives. Such materials shall likewise be used in the repair of paved parking lots. It shall be understood that all repairs and material shall meet all applicable codes and construction standards. In the case of all paved parking area associated with multifamily dwelling and or commercial establishments, shall be painted with separation lines and suitable car stops to protect adjacent structures and property will be provided and maintained by the owner. The property owner will be required to maintain and repair all paved parking areas.

**Sec. 6-9. Lighting at entrances:**

All multifamily residential structures shall provide exterior lighting for each entrance during the hours of darkness. An entrance is defined as one which provides access to the structure from streets, plazas, parking areas, walkways and any other points of ingress or egress. Hours of darkness shall include the hour before sunrise and the hour before sunset.

**Sec. 6-10. Refrigeration for food preservation:**

Every dwelling unit and rental unit shall contain a refrigeration unit adequate for the temporary preservation of perishable foods. Such refrigeration unit shall be capable of maintaining an average temperature below forty-five degrees Fahrenheit (45 F.), shall be properly installed and operated and shall be kept in a clean and sanitary condition.

**Sec. 6-11. Cabinets and shelves:**

Every dwelling unit and rental unit shall contain cabinets and/or shelves for the storage of eating, cooking, and drinking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe-keeping and a counter or table for food preparation. The cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction, furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

**Sec. 6-12. Graffiti:**

All exterior structure surfaces must be kept clean and free of graffiti as defined in PM-201.0. Surfaces which have been exposed to graffiti must be cleaned, painted or in some manner covered, so as to effect the complete removal of the graffiti from that surface and to return the surface to its prior condition within one (1) month of the receipt of a violation notice to the owner. It shall be the responsibility of the owner to comply with the provisions of this section.

**Sec. 6-13. Drug and poison storage:**

Each dwelling, dwelling unit, and rental unit shall have a suitable facility for the safe storage of non-prescribed and prescription medication drugs and household poisons.

**Sec. 6-14. Installation and care of plumbing fixtures and other basic facilities by occupant:**

Every plumbing or electrical fixture or other basic facilities furnished by the occupant of a dwelling unit and a rental unit shall be properly installed and operated and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks or obstructions.

**Sec. 6-15. Utilities:**

(a) No owner, operator or occupant shall allow any service, equipment or utility, as required by this code, to be removed, shutoff or discontinued for any occupied dwelling rented, leased or occupied by him or her, except for such temporary interruption as may be necessary while actual repairs or alterations are being made, or during other temporary emergencies.

(b) A violation of this section is a Class A offense.

**Sec. 6-16. Air Conditioning in buildings designed with Mechanical Refrigeration:**

Air Conditioning shall be furnished to every occupant of a rental unit in buildings designed with mechanical refrigeration from May 15 to September 7. Said air conditioning shall function so as to maintain at least a fifteen (15) degree difference between inside and outside temperatures while operating according to the design specifications required for the Washington area by the BOCA National Mechanical Code. For the purpose of enforcing this section of the code the temperature shall be measured at the thermostat location. A violation of this section is a Class A offense.

When the outdoor temperature is above the outdoor design temperature required for the Washington area by the mechanical code listed in Appendix A. The owner or operator shall not be required to maintain the minimum room temperatures, provided the refrigeration system is operating at full capacity.

**Sec. 6-17. Transfer of responsibility:**

A contract, lease or other agreement between owner and operator or operator and occupant with regard to matters covered hereunder shall not relieve any party of his or her direct responsibility under the provisions of this Code.

**Sec. 6-18. Conflict of interest:**

(a) No officer or employee who has an official duty in connection with the administration and enforcement of this code shall be financially interested in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or in making the plans or specifications therefor, unless he or she is the owner of such building. No such officer or employee shall engage in any activity which is inconsistent with the public interest and his official duties.

(b) A violation of this section is a Class A offense.

**Sec 6-19 to Sec 6-25. Reserved.**

**Sec. 6-26. Notice to owner or to persons responsible:**

Whenever the Code Official determines that there has been a violation of this code or has reasonable grounds to believe a violation has occurred, he or she shall give notice to the owner or the person or persons responsible therefor in the manner prescribed below.

**Sec. 6-27. Form of notice:**

The notice of violation prescribed in Sec. 6-26 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason or reasons why it is being issued.
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling, dwelling unit, rental unit, rooming unit or structure into compliance with the provisions of this code.

**Sec. 6-28. Violations:**

Notice of violations shall be served upon the owner or occupant, as defined in the Property Maintenance Code provided that such notice shall be deemed to be properly served upon such owner or occupant if a copy thereof is delivered to him or her personally, or by leaving a copy thereof at his or her usual place of abode with a person of suitable age and discretion, or by sending a copy thereof by certified mail, return receipt requested, to his or her last known address, or by posting a copy thereof in a conspicuous place in or about the dwelling or rental facility affected by the notice and mailing a copy by regular mail to the owner or occupant's last known address.



**Sec. 6-29. Penalties:**

1. Any violation of the following sections of the Property Maintenance Code, as adopted by the City of Takoma Park, shall be a Class C offense. If the violation poses a clear and imminent danger to health, safety or welfare or a substantial hardship to the occupant, the violation shall be a Class A offense.

<b>Sections</b>	<b>Subject Matter</b>
PM-302.0 (PM302.1 - 302.15)	Exterior structure
PM-303.0 (PM303.1 - 303.8)	Interior structure
PM-501.0 (PM501.1 - 501.2)	Required plumbing facilities
PM-502.0 (PM502.1 - 502.2)	Toilet rooms
PM-503.0 (PM8503.1 - 503.2)	Plumbing fixtures
PM-504.0 (PM504.1 - 504.4)	Water system
PM-505.0 (PM505.1 - 505.2)	Sanitary drainage system
PM-601.0 (PM601.1 - 601.5)	Heating facilities
PM-602.0 (PM602.1 - 602.3)	Electrical facilities
PM-603.0 (PM603.1 - 603.2)	Elevators, escalators, and dumbwaiters
PM-700.0 (PM700.2)	Firesafety requirements
PM-701.0 (PM701.1 - 701.10)	Means of egress
PM-702.0 (PM702.1 - 702.2)	Accumulation of storage
PM-703.0 (PM703.1 - 703.2)	Fire resistance ratings
PM-704.0 (PM704.1 - 704.5.1)	Fire protection systems

2. Unless a different penalty is expressly provided in that section, any other violation of the Property Maintenance Code, as adopted by the City of Takoma Park shall be a Class C offense, If the violation poses a clear and imminent danger to health, safety or welfare or a substantial hardship to the occupant, the violation shall be a Class B offense.

3. Willful, unabated, and continuing violations.

Any willful violation of any section of the Property Maintenance Code, or any violation which is not abated or corrected within one (1) month of the date of service of a citation for such violation shall be a Class A misdemeanor offense. A person so charged may, in the case of any violation which is not abated or corrected within the time limits provided herein, assert that circumstances beyond the control of the defendant prevented timely compliance.

Upon clear and convincing proof of such, the charges against a defendant shall be dismissed.

5. Each day a violation continues or is in existence after the time for correction or abatement has passed shall constitute a separate offense.

**Sec. 6-30. Transfer of liability:**

The Code Official may cause any municipal infraction citation issued under this code to be recorded in the tax records maintained by the City with the notation to remain so recorded until such time that the fine imposed has been paid or the citation has been dismissed by court order. All subsequent transferee's of the rental facility dwelling, dwelling unit or rooming unit in connection with which a citation has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged and shall be liable to all penalties and procedures provided by this Code and by applicable rules and regulations issued pursuant thereto to the same degree as was their transferor.

**Sec. 6-31 to Sec. 6-40. Reserved.**

SECTION TWO Chapter 6, Article 5, Inspection of Housing is hereby repealed

SECTION THREE This Ordinance shall be effective immediately.

Adopted this 12th day of April, 1993 by roll call vote as follows:

Aye: Sharp, Elrich, Hamilton, Johnson, Porter  
Nay: None  
Absent: Leary, Prensky  
Abstained: None

**CITY OF TAKOMA PARK  
INVESTMENT POLICY**

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**CITY OF TAKOMA PARK  
INVESTMENT POLICY**

**Policy Statement**

~~It is the policy of the City of Takoma Park to act in a socially responsible manner in the management and investment of City funds. While State statute restricts the investment instruments which a municipality may use, it is the priority of the City of Takoma Park to maximize its efforts toward socially responsible investing within State laws and the objectives of fund safety, liquidity and yield as described in Section IV.~~

The City's funds will be invested in such a way to achieve the highest degree of safety, liquidity and yield. These investments will also comply with state law and the City's Nuclear Free Zone Act. Within these constraints, it is the policy of the City to manage city funds in a socially responsible manner.

**I. Introduction**

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment process. The initial step toward a prudent investment policy is to organize and formalize investment-related activities. Related activities which comprise good cash management include accurate cash projection, the expeditious collection of revenue, the control of disbursements, cost-effective banking relations, and a short-term borrowing program which coordinates working capital requirements and investment opportunity. In concert with these requirements are the many facets of an appropriate and secure short-term investment program.

**II. Scope:**

It is intended that this policy cover most short-term operating funds and general fund investment activities under the direct authority of the City.

**Funds Covered**

City funds as described in the City's annual financial report include:

- . General Fund
- . Housing Rehabilitation Fund
- . Stormwater Management Fund
- . Escrow Funds

Excluded from this policy due to the nature of the funding sources, the restrictions on the use and investment of the funds, and the short-term holding of these funds by the City:

. Special Revenue Fund

This investment policy applies to all transactions involving the financial assets and related activity of the foregoing funds.

### III. Statutory Requirements

Investment of assets shall be in accordance with city, state and federal laws and regulations.

#### State Authority:

Investment of municipal funds carry certain restrictions under Maryland law. State statute sections governing such investments are: Article 95, Section 22, 22G, 22K, 22N and the State Finance and Procurement Code, Sections 6-202 and 6-222 [of the State Procurement and Finance section] of the Annotated Code of Maryland.

The full text of State Statute section 6-222 is carried in the Appendix to this policy.

#### City Authority:

The City's portfolio shall be managed in accordance with Chapter 8B; the Takoma Park Nuclear Free Zone Act. That Act prohibits investment in industries and institutions which are knowingly and intentionally engaged in nuclear weapons production. It also provides that city investments be made according to a socially responsible investment policy and implementation plan.

### IV. Definition of Socially Responsible Investment Policy

A socially responsible investment policy screens potential investments for their commitment to the following, in alphabetic order: affirmative action, alternative energy utilization, charitable contributions, employee ownership, fair labor policies, foreign investment that passes these screens, moderate- and low-income housing, human rights, job creation and local investment, low environmental impact, peace and non-weapons production, small business orientation, and worker health and safety. One investment is more "socially responsible" than another if it has more positive positions on the above criteria than the alternative; it would be less socially responsible if it has an excessive number of negative positions.

### [III.] V. Investment Objectives

The objective of the investment of City funds is to identify and invest cash not immediately needed to achieve the highest return on funds available for investment, subject to safeguarding of principal, maintenance of necessary liquidity, maintenance of public confidence, and compliance with all City, State and Federal laws or regulations. [The investment objectives of the City include:]

A specific description of these objectives is as follows:

#### A. SAFETY:

Safety of principal is the foremost objective of the City followed by liquidity and yield. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value.

#### B. LIQUIDITY:

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

#### C. YIELD:

The City's cash management portfolio shall be designed with the objective of regularly exceeding the average rate of return on three month U.S. Treasury Bills. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment principles.

Funds held for future capital projects shall be invested in securities that reasonably can be expected to produce enough income to offset inflationary construction cost increases. However, such funds shall never be unduly exposed to market price risks that would jeopardize the assets available to accomplish their stated objective, or be invested in a manner inconsistent with applicable federal and state regulations.

~~D. LOCAL BANKS INVESTMENTS~~

~~The promotion of investments in local banks whenever possible is an objective of the City's investment policy. "Local bank" is defined as a bank whose headquarters or bank branches are located in the City of Takoma Park.~~

D. DIVERSIFICATION

The City's investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks associated with concentrating investments in specific security types or in individual financial institutions.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The governing body recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

[F. SOCIALLY RESPONSIBLE]

[G. STATUTORY AUTHORITY]

[IV. State Authority]

VI. Delegation of Authority

After a public hearing on the matter, the City Council shall approve the investment policy governing the investment affairs of the City. All modifications of this policy shall be in writing and approved by the City Council.

Management responsibility for the investment program rests with the City Administrator [is hereby delegated to the Deputy City Administrator], who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions.



## VII. INVESTMENT COMMITTEE

The City Administrator may [will] appoint an Investment Review Committee for the purpose of overseeing the implementation of the City's investment program and assuring it is consistent with the investment policy as approved by the Council. Such a [the] committee may [shall] consist of the City Administrator, the Deputy City Administrator, the Assistant City Administrator and the Accounting Supervisor. Corporation Counsel will also be asked to participate to provide legal advice.

The investment Review Committee shall meet at the discretion of the City Administrator but not less frequently than annually [least quarterly] to determine general strategies and to monitor results. The committee shall include in its deliberations such topics as: economic outlook, portfolio diversification and maturity structure, potential risks to the City's funds, approval of authorized financial institutions, and the target rate of return on the investment portfolio.

## VIII. REPORTING REQUIREMENTS

Within 60 days of the end of the fiscal year the Deputy City Administrator shall prepare an annual report on the investment program and investment activity. This report shall be presented to the investment Review Committee. The annual report shall include twelve-month comparisons of return, shall suggest policies and improvements that might enhance the investment program. The investment annual report shall be presented to City Council in conjunction with the annual audit report.

In addition to the report referenced above, the requirements of Article 95, Section 22N and Section 6-222 of the Maryland Code shall be met regarding the annual report to the Maryland State Treasurer from the City on any investments made in investment companies or trusts (i.e. mutual fund investments) and the annual report concerning any investment of bond sale proceeds.

## [VIII] IX. INVESTMENTS

### A. Permitted investments

Assets of funds of the City may be invested in:

1. The Maryland Local Government Investment Pool as

established under Article 95, Subsection 22 of the Annotated Code of Maryland.

2. Repurchase agreements collateralized by U.S. Treasury securities under which the City or its agents take possession of subject securities;
3. Securities issued or guaranteed by the U.S. Government or its agencies, including those involved in mortgage pass-through issuance.
4. Deposits in any bank or banks in the State of Maryland (the "State") shall be insured under FDIC; provided that the City Administrator shall approve any new banking institution that the investment manager can do business with. To the extent interest-bearing time deposit (i.e. certificate of deposits) and/or savings accounts exceeds the amounts insured by the Federal Deposit Insurance Corporation (e.g. over the \$100,000 insured limit), such deposits in banks shall only be made if the bank has deposited a like amount of securities in escrow, covering bank deposits as collateral, or if the bank, has given as security for these deposits any of the types of collateral set forth below:
  - (a) obligations of the United States or any of its agencies;
  - (b) obligations guaranteed by the United States or by any of its assignees;
  - (c) obligations insured by the United States;
  - (d) obligations of the State or any of its units or instrumentalities;
  - (e) obligations of a municipal corporation in the State;
  - (f) obligations of a county of the State;
  - (g) obligations of any other governmental authority in the State;
  - (h) an obligation of the Inter-America Development Bank;
  - (i) an obligation of the World Bank, or
  - (j) an obligation or security of, or other investment in, any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940, if (1) the portfolio is limited to direct

obligations of the U.S. government and to repurchase agreements fully collateralized by U.S. government obligations; and (2) the company or trust takes delivery of that collateral, either directly or through an authorized custodian.

5. Banker's acceptances guaranteed by banking institutions which are rated A or better by Moody's Investors Service, Inc., or Standard and Poor's Corporation;
6. In securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of the Investment Company Act of 1940 if:
  - a. the portfolio of the open-end or closed-end management type investment company or investment trust is limited to direct obligations of the United States government and to repurchase agreements fully collateralized by United States government obligations or its agencies, and;
  - b. the open-end or closed-end management type investment company or investment trust takes delivery of that collateral, either directly or through its authorized custodian.
7. City assets raised from the proceeds of any tax exempt financing is subject to the arbitrage and rebate rules of the Internal Revenue Code of 1986. These assets may be invested in bonds, notes, or other obligations of investment grade quality issued by or on behalf of Maryland or any other state or any agency, department, county, municipal or public corporation, special district, authority, or political subdivision thereof, or in any fund or trust that invests only in securities of this type.

Investment of these funds shall be by investment agreement with domestic bank or trust companies rated AA or higher by Standard & Poor's Corporation, or Moody's Investors Service, Inc. Such investment agreements must be collateralized in the event the long term debt rating of the obligor under the investment agreement falls below A. Such collateral must consist of securities issued or guaranteed by the U.S. Government or its agencies.

**B. Limitations**

1. Limitations as to the maximum direct investment of the

City's portfolio by type of institution will be periodically determined by the investment manager.

2. All investments are to be denominated in U.S. dollars.
3. No investment shall be for a duration in excess of 2 years, except as outlined in Section [XIV] XIII.

#### **[IX] X. Prudent Person Rule and Indemnification**

The standard of prudence to be applied by the City and its investment manager(s) shall be the "Prudent Person Rule", as defined by the GFOA Committee on Cash Management, which states:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The Prudent Person Rule shall be applied in the context of managing the overall portfolio. The City's investment manager(s) acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that appropriate action is taken to control adverse developments.

#### **XI. Management and Internal Controls**

The City Administrator shall establish a system of internal accounting controls which shall be reviewed in connection with the annual audit of the City by an independent public accountant. The controls shall be designed to prevent loss of funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions. Controls deemed most important include:

- o Control of collusion.
- o Separation of duties.
- o Custodial safekeeping.
- o Clear delegation of authority.
- o Written confirmation of telephone transactions.
- o Minimizing the number of authorized investment officials.
- o Documentation of transactions and strategies.

- o Ethical standards.

The investment officer will monitor the contents of the portfolio, the available markets and the relative values of competing instruments, and will adjust the portfolio accordingly, consistent with the investment policies.

### **XII. Banks and Securities Dealers Selection**

The City shall be prohibited from investing funds with any person [which] who is knowingly or intentionally engaged in the development or production of nuclear weapons. Person is defined as any person, private corporation, institution or other entity.

In selecting financial institutions for the deposit or investment of City funds, the Investment Committee shall consider the creditworthiness of institutions. The Investment Committee shall [continue to monitor financial institutions' credit characteristics and financial history throughout the period in which City funds are deposited or invested] review the financial standing of banking institutions with which the City does business no less frequently than annually to determine the appropriateness of continued use of these institutions as the depository of City funds. In addition, whenever possible the investment committee shall seek to obtain commitments from banks to invest in local projects, including but not limited to housing investments, small business and minority business investments.

The investment Committee shall approve all financial institutions from which securities are purchased or sold.

Investment Officials shall not conduct business with any firm with whom public entities have sustained losses on investments or who have been removed from an approved list by the Investment Committee.

### **XIII. Maturity**

The city shall not invest in instruments whose maturities exceed four years at the time of purchase. Instruments with maturities greater than two years shall be limited to (1) U.S. Treasury and agency obligations; (2) certificates of deposit rated "A", its equivalent or better by at least one of the four national rating services identified in Section IX above. The average maturity of the City's short-term portfolio shall not exceed one year.

#### **XIV. DIVERSIFICATION**

- A. Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
- B. Concern for liquidity shall be insured through practices that include covering the next vendor disbursement date and payroll date through maturing investments or U.S. Treasury bills.
- C. Risks of market price volatility shall be controlled through maturity diversification such that aggregate price losses on instruments with maturities exceeding one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.
- D. The Investment Committee shall establish strategies and guidelines for the percentage of the total portfolio that may be invested in securities other than treasuries and agencies. The Investment Committee shall conduct a quarterly review of these guidelines, and shall evaluate the probability of market and default risk in various investment sectors as part of its consideration.

#### **XV. RISK TOLERANCE**

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk.

Investment managers are expected to display prudence in the selection of securities, as a way to minimize default risk. No individual investment transaction shall be undertaken which jeopardizes the total capital position of the overall portfolio.

In addition to these general policy considerations, the following specific policies will be strictly observed:

- A. All investment funds will be placed directly with qualified financial institutions. The City will not deposit or invest funds through third parties or money brokers.
- B. All transactions will be executed on a delivery versus payment basis with one exception: Upon the City's receipt of an account number from an authorized official, a bank shall have 48 hours from the transaction settlement date in which to deliver the certificate of deposit for a collateralized

deposit to the City's safekeeping, even though payment is made by the City on the settlement date.

- C. A competitive bid process, utilizing a minimum of three financial institutions deemed eligible by the Investment Committee, will be used to place all investment purchases. Based on a quarterly evaluation, securities dealers, banks and other financial institutions will be dropped or continued on the eligibility list. The following criteria will be used in the quarterly evaluation:
1. number of transactions competitively won
  2. prompt and accurate confirmation of transactions
  3. efficient securities delivery
  4. accurate market information account servicing
- D. In order to assist in identifying "qualified financial institutions," the Deputy City Administrator shall forward copies of the City's Investment Policy to those financial institutions with which the City is interested in doing business and require written acknowledgment of the Policy.

#### **XVI. SAFEKEEPING AND CUSTODY**

- A. U.S. Government Securities and Banker's Acceptances purchased by the City or their agent shall be delivered to the City's designated custodian the day of purchase.
- B. Securities supporting purchases under Repurchase Agreements shall be delivered to the City's designated custodian the day of purchase, excluding securities on automatic Overnight Repurchase Agreements with the custodian.

#### **Safekeeping Agreement:**

All safekeeping arrangements shall be in accordance with a safekeeping agreement approved by the Investment Committee which clearly defines the procedural steps for gaining access to the City's funds should they be deemed to be in jeopardy. The safekeeping institution shall be the Federal Reserve Bank or an institution not affiliated with a firm pledging collateral. The safekeeping agreement shall include the signatures of the [Deputy] City Administrator or designee [of Takoma Park], any firm pledging collateral, and the safekeeping bank.

**Insurance or Collateral:**

All deposits, certificates of deposit, and repurchase agreements shall be secured by pledged collateral with a market value equal to no less than 100% of the deposits or cash invested, less an amount insured by the FDIC. Evidence of the pledged collateral shall be documented by a safekeeping agreement or a master repurchase agreement with the collateral pledged clearly listed in the agreement. Collateral shall be reviewed monthly to assure that the market value of the securities pledged equals or exceeds the related deposit or investment balance.

**Collateral Defined**

The City of Takoma Park shall accept only the following securities as collateral for cash deposits, certificates of deposit, and repurchase agreements:

- A. FDIC insurance coverage.
- B. Obligations of the United States of America, its agencies and instrumentalities, including agency and instrumentality issued mortgage backed collateral.
- C. Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Maryland or the United States of America or its agencies and instrumentalities.
- D. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of no less than A or its equivalent with remaining maturity of ten (10) years or less.
- E. Other securities as approved by the Investment Committee.

**Subject To Audit:**

All collateral shall be subject to inspection and audit by the Deputy City Administrator [or] and the City's independent auditors.



## **XVII. INVESTMENT POLICY ADOPTION**

The City's investment policy shall be formally reviewed not more than 120 days after the beginning of each fiscal year; and, if amendments are recommended by the Investment Committee, thereafter shall be reviewed and approved by the City Council.

### **APPENDIX**

- State Annotated Code: State Finance and Procurement Article Section 6-222. Federal Obligations.

## APPENDIX A

### Federal Obligations

(a) **Investment and reinvestment.** The Treasurer may invest or reinvest unexpended or surplus money over which the Treasurer has custody:

(1) in any obligation for which the United States has pledged its faith and credit for the payment of the principal and interest;

(2) in any obligation that a federal agency issues in accordance with an act of Congress;

(3) in a repurchase agreement that any of these obligations secures;

(4) banker's acceptances guaranteed by banking institutions which are rated above average in a uniform investment grading system by a recognized rating service;

(5) with respect to bond sale proceeds only, in bonds, notes, or other obligations of investment grade quality (as established by a nationally recognized rating agency) issued by or on behalf of this or any other state or any agency, department, county, municipal or public corporation, special district authority, or political subdivision thereof, or in any fund or trust that invests only in securities of the type described in this paragraph; or

(6) in securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of the federal Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq., if:

(i) the portfolio of the open-end or closed-end management type investment company or investment trust is limited to direct obligations of the United States government and to repurchase agreements fully collateralized by United States government obligations; and

(ii) the open-end or closed-end management type investment company or investment trust takes delivery of that collateral, either directly or through an authorized custodian.

(b) **Sale, redemption, and exchange.** The Treasurer may sell, redeem, or exchange an investment or reinvestment made under this section.

(c) **Report.** (1) Subject to 2-1312 of the State Government Article, the Treasurer shall report by January 3 of each year to the General Assembly on any investments made under subsection (a)

(5) of this section.

(2) The report shall include a detailed review of:

- (i) the amount and duration of each investment;
- (ii) the net interest or net income earned on the investment; and
- (iii) any management fee or other fees or expenses paid directly by the Treasurer in connection with the investment. (An. Code 1957, art. 95, § 22F; 1985, ch. 11, § 2; 1986, ch. 7; 1988, chs. 512, 612.)

Regular Meeting, Public Hearing and Worksession of City Council  
Monday, April 26, 1993

## CITY OFFICIALS PRESENT:

Mayor Sharp	City Administrator Habada
Councilmember Elrich	Deputy City Administrator Grimmer
Councilmember Hamilton	Deputy City Clerk Sartoph
Councilmember Johnson	Corporation Counsel Silber
Councilmember Leary	
Councilmember Porter	
Councilmember Prensky	

The City Council convened at 8:04 p.m. on Monday, April 26, 1993 in the Council Chambers at 7500 Maple Avenue.

Following the Pledge of Allegiance, the following remarks were made.

MAYOR AND COUNCIL COMMENTS

Mr. Sharp announced that the City has received from the State of Maryland, the Maryland Plant Community Silver Award for our tree planting efforts and that this year Takoma Park has again, as in years past, been designated as a Tree City. He noted that to receive the designation of a Tree City, the City has to have a community tree planting effort and pass a resolution supporting Arbor Day. Mr. Sharp remarked that he was involved in the tree plantings on Eastern Avenue where approximately 35-36 trees were planted and noted that tree plantings took place during Earth Action Day and that several new trees have been planted near the Library.

Mr. Sharp noted that on May 9, Citizens Against Gun Violence will be sponsoring a rally at the Lincoln Memorial from 1:30 p.m.-4:00 p.m. and that Gun Turn-in Day is scheduled for May 1. He stated that the local gun turn-in location is the Our Lady of Sorrows Church on Larch Avenue.

Mr. Sharp announced that on Thursday, April 29, there will be an Elm Avenue speed hump installation and cake party at 5:30 p.m. He noted that this will be the 100th speed hump installed in the City.

Mr. Johnson noted the recent passing of Rose Bulow who lived on Hammond Avenue. He remarked that she was rarely at a loss for words, a former member of the executive committee of the New Hampshire Gardens' Neighborhood Association, and an active and articulate speaker on community issues. He said that Ms. Bulow captured the essence of Takoma Park's citizen involvement and participation.

Mr. Sharp noted that he first met Ms. Bulow in 1991 when he was campaigning for Mayor and that he remembered her having a great knowledge of the history of Takoma Park.

Mr. Sharp noted that Mr. Hamilton was honored at the NAACP Dinner, Sunday, April 25, and congratulated Mr. Hamilton.

Mr. Hamilton commented that the NAACP Dinner was very enlightening, especially following the marches over the weekend and that the City Administrator had also attended the dinner function. He stated that equity for everyone was the theme of the issues that were addressed at the dinner.

Ms. Habada commented on how she had enjoyed Carol Simpson's speech and especially Ms. Simpson's remarks in reference to the

march and how the number of participants over the weekend had topped the number of people at the 1963 March on Washington with Martin Luther King.

ADOPTION OF MINUTES FROM 4/12/93 Moved by Mr. Hamilton; seconded by Ms. Porter.

Mr. Sharp noted a couple of typographical changes to the minutes. The minutes for 4/12/93 were unanimously adopted.

#### ADDITIONAL AGENDA ITEMS

Mr. Sharp noted that since the time the agenda was mailed to the public, two items have been added to the agenda for Worksession. He stated that there will be an update by the City Administrator on the status of the Takoma Junction Project and that following the update, the Council will be adjourning to an Executive Session to begin the evaluation of the City Administrator for this year.

#### CITIZEN COMMENTS (on items not on the agenda)

Condie Clayton, Representative of the Ritchie Avenue Citizen's Association thanked the city staff, Department of Public Works, and Department of Housing and Community Development for taking part in a recent meeting regarding Heffner Park. He said that some of the suggestions that came out of the meeting were very interesting and fruitful but that according to the information and drawings that were presented at the meeting, he is concerned that there are not ample funds to complete the improvements and corrections that are needed at Heffner Park. Mr. Clayton stated that the Association is in the process of developing a survey for sidewalk improvements and that upon completion of the survey, the information will be shared with the Council. He remarked that it would be nice if some tree plantings could be done in the sidewalk space in front of Peter's Sub Shop and the Cleaners, in the 7500 block of Maple Avenue.

#### AGENDA

##### #1 Resolution of Appreciation and Presentation to Mr. Frank White of Azalea Acres Farms

Mr. Sharp noted that about eight months ago, Delegate Peter Franchot called Ms. Habada saying that he had been a long-time customer of Mr. White's, understood that Mr. White was retiring from the azalea business, and thought that the City might be able to get some donations of azaleas if someone were to talk with Mr. White.

Ms. Habada said that she and David Dick of Public Works went out to the Azalea Acres Farms and walked through the woods picking out azaleas and marking the plants with the ribbons Mr. White had given them. She commented that the woods had such an inviting feeling that even in a suit and nylons she could not resist taking part in the selection of the azaleas.

Mr. Sharp stated that the City received a donation of 75 azaleas from Mr. White that have been planted on the front and sides of the Municipal Building and that Mr. White has indicated that he hopes the City will take 4-5 times that number this year. Mr. Sharp read the Resolution into the record.

Mr. Sharp noted that Delegate Peter Franchot was unable to be here this evening and that Joan Loudon, a resident of Takoma Park who lives on Philadelphia Avenue and works in Mr. Franchot's office is here representing him.

Moved by Mr. Sharp; seconded by Mr. Hamilton. The Resolution was passed unanimously.

Mr. Sharp presented the plaque and the Resolution to Mr. White.

RESOLUTION #1993-40  
(Attached)

Mr. White commented on his love for Takoma Park and said that he will make all possible efforts to help the City in further beautification. He extended the invitation to the City to return to his farm to pick out more plants and said that the City can come and take as many plants as it wishes. Mr. White stated that there are well over 100,000 azaleas, ranging in size from small plants to plants that are 6, 8 and 10 feet tall and in diameter.

Ms. Louden introduced herself as being present on behalf of Delegate Franchot to thank Mr. White for his generous gift to the City and for making a generous offer of donating more plants. She said that Mr. Franchot would like to propose to the City Council, if it is possible, that a portion of a City Park where the azaleas have been planted be set aside and called the Frank B. White Azalea Garden.

Mr. Sharp said that he is certain that the City can accommodate Mr. Franchot's suggestion and that he feels it is an excellent idea. Mr. Sharp thanked Mr. White once again before moving on to the next item on the agenda.

#2 Resolution Recognizing the Washington Adventist Hospital Celebration of Nurses Week, May 9-14.

Mr. Sharp noted that Caroline Malfara, Chairman of Nurses Week, of the Washington Adventist Hospital is present to accept the Resolution.

Mr. Sharp read the Resolution into the record.

Moved by Ms. Porter; seconded by Mr. Johnson. The Resolution was passed unanimously.

Mr. Sharp presented the Resolution to Ms. Malfara.

RESOLUTION #1993-41  
(Attached)

PUBLIC HEARING

#3 Family Diversity Task Force Report.

Mr. Sharp noted that the Task Force Report was presented to Council a few weeks ago and that Council has had a couple of discussions with regard to some of the items presented in the report. He said that this is the first opportunity that the Council has had to receive public comments on the report. Mr. Sharp stated that the Council is not scheduled to take any action regarding the report this evening.

Mr. Sharp brought the public hearing to order at 8:28.

Bruce Williams, 326 Lincoln Avenue (Chairman of the Family Diversity Task Force) noted that he and another member of the Task Force will provide a brief overview of the report. Mr. Williams read the mission statement from the beginning of the Task Force Report.

Richard Csarny, 1101 Holton Lane (Member of the Family Diversity Task Force) addressed the definition of family that the Task Force has come up with. He read portions of the section of the report on "Defining Family" and quoted statistics illustrating Takoma Park's diverse families. Mr. Csarny read the proposed definition of the family. He said that Takoma Park citizens can state with pride that the City has a community where discrimination is less pervasive than many other places but that this does not mean that the City cannot take steps to make its environment better for all. He stated that legal recognition of diverse families and accompanying public education can reduce intolerance, bigotry and acts of hate-violence because legal affirmation encourages acceptance and that status outside the law, on the other hand, fuels prejudices. Mr. Csarny said that the Task Force is asking the City to come to a new awareness and encouraged the Council and city staff to think family, respect diversity and support commitment.

Tom Dant, 7406 Carroll Avenue stated that he and his family have lived in the City for 46 years and that he is against the nature of the report to change the definition of the family. He remarked that the City has been built with the traditional family definition and that the City has accepted persons of all nationalities and diversities under this present definition of family. Mr. Dant noted that he realizes that some of the recommendations proposed in the report are a result of the gay and lesbian community in the City but that he is morally against the change to the definition of the family. He said that as a pastor of a church in the community, the proposed change to the definition of the family is not spiritually acceptable.

Janet V. Black, 28 Lee Avenue #301 stated that she moved to Takoma Park from Ohio because she had heard of the diversity of the City. She said that as an adoptive mother and a lesbian mother it means a lot for her to be in a community where her family can be supported and that they are no less a family because they fall outside the parameters of a traditional definition of the family.

Jan Nyquist, 7028 Knighthood Lane, Columbia, Maryland (Current Chair of the Howard County Human Rights Commission) said that she has been asked to speak on behalf of the report and that the nature of the report shows that once again, Takoma Park is a leader in establishing a legal climate that matches its diverse population. Ms. Nyquist spoke about the need for legal rights and privileges to be extended to domestic partners and their dependents. She urged the Council to adopt the report.

A copy of Ms. Nyquist's testimony is attached.

Joanne Desky, 610 Kennebec Avenue (Member of the Family Diversity Task Force) stated that one thing which she feels may be on a lot of people's minds is the cost of extending benefits to the domestic partners. She noted Appendix D, page 32 of the report that lists the statistics of other cities, universities, organizations and countries that offer some kind of domestic partner benefits. She stated that covering domestic partners costs less than 3% of the total health costs to the City and quoted the remarks of other community leaders regarding recognition of domestic partners. Ms. Desky urged the Council to adopt the Task Force recommendations in order to treat residents, city employees and the Takoma Park community equally and fairly.

Collene Dermedy, Coordinator of the Takoma Park Area Chapter of the National Organization for Women, stated that she is a lesbian in a committed relationship and recommended that the Council go with the recommendations of the Task Force. She said that she feels the Task Force Report is a very thoughtful document and that the Task Force has addressed many of the issues that concern her, her partner and their family. Ms. Dermedy stated that

domestic partners need the types of protection that are listed in the report. She said that she thinks what it comes down to is trying to discern what it is that makes a family a family and that it is the bonding, sharing, and spiritual and financial support that two partners exchange. She urged that the Council go with the recommendations and implement them.

Susan Silber, 304 Mississippi Avenue stated that she is not speaking as the City attorney this evening but as a member of the community, a mother, and an attorney who has a private practice here in the City and sees the problems that people face as a result of not having their families represented either culturally or in law. She said that she sees the work of the Task Force as a wonderful effort in trying to articulate the need for the recognition of family diversity and setting a path for the Council to follow in terms of making some of the recognition that is recommended in the report a reality for people. Ms. Silber said to the Pastor that had spoken earlier, that in response to the question of what is moral, the definition of family is this..."love makes a family," and that it is immoral to not recognize that love when it exists in the community. She remarked that there have been many who have built Takoma Park who are in non-traditional families and deserve recognition and that the City has recognized them along the way. She recalled that when her first child was born, the first flowers that she received in the hospital were from the Council. She said that when the Council passed the domestic partnership in the existing City law she served as the City's attorney, without the community that is here tonight, articulating the community's demands. Ms. Silber said that it is wonderful to see that situation reversed this evening, with the citizens here expressing in force the demands, needs, and vision of the community for themselves.

Mr. Sharp brought the public hearing to a close at 8:49.

Mr. Johnson commented that he respects Mr. Dant's concerns. He stated that he did not intend to be in the forefront on this issue but that it strikes at the core of what Takoma Park is about--a pro-family community. The proposed legislation provides one small step in providing some minimal protection and respect for what is Takoma Park. He noted that, for example, when Takoma Park was founded, it was not hospitable for people of color, but that times have changed. Mr. Johnson respects the concerns that some citizens may have about this issue, that it may be difficult to go along with some of the proposed changes. He said that the Council is doing the right thing; the report is modest and is not going to change anything dramatically. But the report is an incremental step in noting that we are all one and all together.

Mr. Hamilton stated that he doesn't have any problems with his name being associated with this issue. He remarked that the proposed definition of family eliminates another minority group in the City and that as a result there will hopefully no longer be any minorities in Takoma Park. He said that this is an effort to protect and extend rights to all citizens of Takoma Park. He stated that this will be another big example being set by Takoma Park to other municipalities and that he hopes that the process to make this document workable will take place immediately to get it implemented as soon as possible.

Mr. Leary said that based on previous discussions by Council it is clear that there is unanimous support by the Council for the thrust of the report and for virtually all of the details. He questioned what it is that needs to be done before Council can take final, formal action on the report.

Mr. Sharp recalled the last Council discussion of the report and staff responses to the recommendations of the report, and stated that Assistant City Administrator, Mr. Hobbs, had said that Council will have to take some formal action before he will be



able to begin negotiations with the Local Government Insurance Trust (LGIT). Mr. Sharp said that he feels this is a fairly straight forward step to take. He said that some of the other aspects of the recommendations, for example setting up a family registry will require further thought regarding the formal mechanisms. He stated that he doesn't feel it will be extremely difficult or time consuming for staff, or even particularly expensive for the City, especially if there is a fee involved. Mr. Sharp suggested that the Council give the City Administrator the authority to set up a formal mechanism for the registry.

Mr. Sharp stated that he doesn't think it is clear how a discussion of emotional commitment which he believes is an element of the family can be turned into a registry and that it is not exactly clear to him what this will mean. He asked whether registrants will have to make an assertion about their emotional commitment or whether registrants will not have to make any statement in this regard? He said that these are some of the mechanisms that Council needs to think about.

Mr. Prenskey noted that he has extensive notes from the April 2, discussion regarding the Assistant City Administrator's memo and that there were a number of things that were laid out at that time regarding details, facts and information that is to be brought back to the Council. He stated that he feels that Council should schedule another worksession on this item and address the unresolved issues with facts, information, a draft ordinance, etc. He said that at this point, he feels that the Council needs to formally accept the report and thank the Task Force for their efforts to date.

Mr. Prenskey remarked that he and his family took part in the march on Washington and that they noted that President Clinton was absent when national and international policy was in the process of being set. He said that he is proud to be a part of a Council that is present on an issue of this much importance and that he is pleased to have participated so far in this discussion for the last 6-8 months as Council has considered proposals and possible changes to City law.

Mr. Johnson stated that the recommendation for a domestic partnership registry can be easily implemented. The cost of implementation will be modest and those who register will pay a fee. The fee should pay for the service and that Council can promptly implement this proposal.

Mr. Sharp noted that giving the City Administrator the authority to work on the formal mechanisms of a registry is the step he had suggested to get implementation under way and that there is a suggested fee structure in the Task Force Report that may be used as a starting place for further discussion regarding a fee schedule.

Mr. Prenskey stated that since there is no Resolution before Council to establish a registry and there are no cost or fee estimates for Council to consider this evening, Council should schedule the next discussion of the report.

Ms. Porter said that she feels that Council needs to accept the report, that Council has been discussing in worksession the details, costs, and ways to accomplish the recommendations, but that Council should accept the report as an indication of accepting the ideas and concepts in the report. She said that after accepting the report, Council can then spend the time necessary to work-out the details. Ms. Porter proposed that Council accept the report as a way of stating Council's agreement with the general principals that the Task Force has brought forward.

Ms. Porter moved that the Council formally accept the Family Diversity Task Force Report; seconded by Mr. Hamilton.

The motion was carried unanimously.

Mr. Sharp and Ms. Habada discussed whether a resolution or ordinance would be needed to forward to LGIT on health insurance.

Ms. Habada stated that she will investigate whether a Resolution will be sufficient.

Mr. Habada noted the recommendation to urge all health care facilities and providers to recognize domestic partners and their dependents.

Mr. Sharp stated that he will discuss this recommendation further with Ms. Habada. He suggested that the two of them talk with representatives of the Hospital and the Nursing Home administrations.

Ms. Habada said that staff will put together some figures on the domestic partnership registry and compare the figures with those in the report and that she will report back to Council with this information in two weeks.

Mr. Elrich suggested that letters be sent to members of the business community and other organizations, as well as the Montgomery County Human Rights Commission, informing them of the Council actions in regard to the Task Force Report and, to the extent they have the authority, encouraging them to take similar steps.

Mr. Prensky recalled that Council had asked whether there was any organized movement within Montgomery County to propose changes to their Code and that he thought Council was waiting to hear whether the City can participate with other efforts or if there were none existing.

Bruce Williams stated that he has tried without success to contact the person whom he was told is spearheading those efforts. He said that the Task Force would like to formally state that it will continue to be available to help implement the recommendations of the report.

Brian Ellison, 8409 Flower Avenue (Member of the Gay and Lesbian Interest Consortium of Montgomery County) said in response to the question regarding whether or not there were any other groups working to change the County Code, that his organization was told that the County is working on this issue within the Commission itself. He said that nothing has come of those efforts and that the Gay and Lesbian Interest Consortium has this issue as one of its main agenda items.

Mark Stahr, 29 Hickory Avenue (Member of the Family Diversity Task Force) stated that in regards to the Montgomery County statute, the Task Force suggests that the Council ask the county to revise its law and also that if such a request does not appear to be successful that Council consider its acceptance of the law as it is.

Mr. Hamilton asked whether the Task Force has talked with any of the Parent Teacher Associations or Board of Education to start the process in regards to the recommendation addressing schools?

Mr. Williams responded in the negative.

In the absence of additional citizen or Council comments, Mr. Sharp stated that Council will be discussing the domestic partnership registry in two weeks, that in the meantime a letter will be sent to LGIT to get some information regarding benefits,

and that hopefully within the next few weeks, he and Ms. Habada will be able to report on their discussions with the hospital and the nursing home.

Mr. Hamilton suggested that copies of the Family Diversity Task Force Report be provided to the Library to be made available to the public.

#4 Resolution Establishing a Recreation Council. Mr. Sharp noted that this item has been withdrawn from the agenda.

#5 Consent Agenda. Moved by Mr. Prensky; seconded by Mr. Leary. The following items were passed unanimously.

Proclamation Supporting the Metropolitan Area Gun Turn-in Day Scheduled for Saturday, May 1, 1993

RESOLUTION #1993-42  
(Attached)

Resolution Executing CDBG Program Agreements with Montgomery and Prince George's Counties

RESOLUTION #1993-43  
(Attached)

Moved by Mr. Johnson; seconded by Ms. Porter. The Council adjourned to worksession at 9:15 P.M.

**RESOLUTION OF APPRECIATION**  
**Resolution #1993-40**

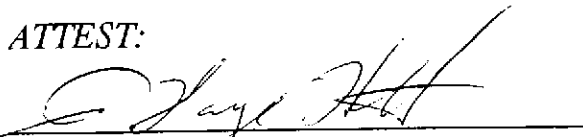
***Recognizing the Donation of Azalea Plants to the City of Takoma Park***

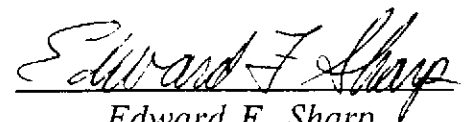
- WHEREAS,** *in early Spring, Mr. Frank B. White and his wife, Jean L. White, proprietors of Azalea Acres Farms made a generous donation of 75 Azalea plants to the City of Takoma Park; AND*
- WHEREAS,** *since 1962, the Council and residents of the City have strived to develop and promote Takoma Park as "The Azalea City" of the nation; AND*
- WHEREAS,** *the early efforts of the Takoma Park Azalea Committee with the cooperation of the Takoma Park Horticultural Club, The National Arboretum, and commercial and private growers set the trend toward developing a landscape of beautiful azalea gardens throughout the City; AND*
- WHEREAS,** *the present day contribution of Azaleas made by Mr. and Mrs. White greatly assisted in the Park Beautification and right-of-way beautification in the City; AND*
- WHEREAS,** *residents and visitors to the City of Takoma Park will continue to enjoy "The Azalea City" in full bloom this Spring and in the future.*

**NOW, THEREFORE, BE IT RESOLVED THAT,** *the City Council, on behalf of the citizens and employees of the City of Takoma Park does hereby express appreciation to Mr. and Mrs. White for their generous gift of Azaleas.*

*Adopted this 26th day of April, 1993.*

**ATTEST:**

  
\_\_\_\_\_  
T. Wayne Hobbs, Acting City Clerk

  
\_\_\_\_\_  
Edward F. Sharp  
Mayor

## RESOLUTION #1993-41

### *Recognizing the Washington Adventist Hospital's Nurses Week*

*WHEREAS, the Washington Adventist Hospital is a valuable health care resource for the residents in the City of Takoma Park and surrounding communities; AND*

*WHEREAS, nurses have brought advanced technology and timeless compassion to the patients at Washington Adventist Hospital since 1907; AND*

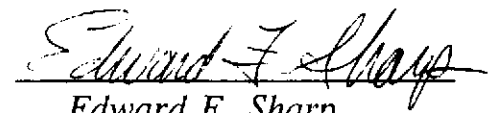
*WHEREAS, the nurses provide a high standard of care to this community; AND*

*WHEREAS, the nurses of the Washington Adventist Hospital will celebrate National Nurses Week, May 9-14, 1993.*

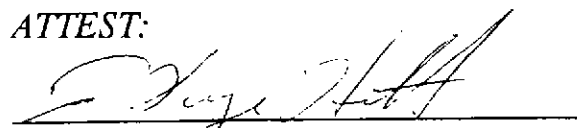
*NOW, THEREFORE, BE IT RESOLVED THAT the City Council joins with the residents of the City of Takoma Park, Maryland, and the Washington Adventist Hospital to celebrate the outstanding contribution made to the health and welfare of this community by the nurses at Washington Adventist Hospital; AND*

*BE IT FURTHER RESOLVED THAT the City Council of Takoma Park, Maryland, does hereby recognize May 9-14, 1993, as "Nurses Week" at the Washington Adventist Hospital, and does commend this observance to all Takoma Park citizens.*

*Adopted this 26th day of April, 1993.*

  
Edward F. Sharp  
Mayor

ATTEST:

  
T. Wayne Hobbs, Acting City Clerk

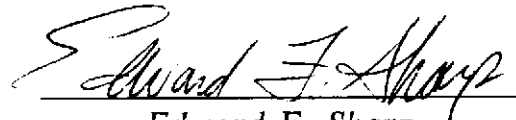
# **PROCLAMATION**

*(Resolution #1993-42)*

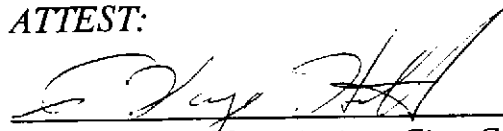
- WHEREAS,** *each year, handguns in the wrong hands kill thousands of Americans; AND*
- WHEREAS,** *in 1990, according to the National Safety Council, gun accidents were the fifth leading cause of accidental death for children ages 14 and under, and nearly half of all African-American teenage males who died in 1988 were killed with guns; AND*
- WHEREAS,** *Our Lady of Sorrows Church and the Takoma Park Police Department, in cooperation with other groups in the metropolitan area, have undertaken an important initiative to help stem this tide of violence; AND*
- WHEREAS,** *Gun Turn-in Day makes it possible for guns and ammunition to be handed in anonymously after which they will be melted down for recycling.*

**NOW, THEREFORE, BE IT RESOLVED THAT** *the City Council of Takoma Park, Maryland, does hereby proclaim May 1, 1993, as "Gun Turn-in Day", and urges that residents of Takoma Park and all citizens build a safer, saner community by taking unwanted guns and ammunition to Our Lady of Sorrows Church on May 1st.*

*Adopted this 26th day of April, 1993.*

  
Edward F. Sharp  
Mayor

**ATTEST:**

  
T. Wayne Hobbs, Acting City Clerk

Introduced by: Councilmember Prensky

Resolution 1993-43

A resolution authorizing the City Administrator to execute Cooperation Agreements with both Montgomery County and Prince George's County under the federal Community Development Block Grant program for Program Years 20, 21 and 22 (FY 95, 96 and 97).

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended provides for a program of Community Development Block Grant funds; and

WHEREAS, the "Block Grant Program" is a mechanism by which federal assistance to local governments is made available to undertake essential community development activities and housing assistance programs pursuant to the Counties' community development programs and Housing Assistance Plans; and

WHEREAS, the magnitude of the City's population in the respective Counties, among other factors, is a determinant of the amount of resources which maybe made available to the Counties to undertake these essential activities; and

WHEREAS, it is in the interest of Takoma Park to participate in the Community Development Block Grant program by entering into Cooperation Agreements with both Montgomery County and Prince George's County for a duration of three years beginning July 1, 1994 and ending June 30, 1997.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF TAKOMA PARK, MARYLAND THAT the City Administrator is hereby authorized to execute Cooperation Agreements with both Montgomery County and Prince George's County under the federal Community Development Block Grant program.

ADOPTED THIS 26th DAY OF APRIL, 1993.