

1 Introduced by: Councilmember Gibson

2
3 First Reading: January 17, 2024
4 Second Reading: January 24, 2024
5 Effective Date: February 13, 2024
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7 **CITY OF TAKOMA PARK, MARYLAND**
8 **ORDINANCE 2024-01**
9

10 **AMENDING THE CITY OF TAKOMA PARK CODE IN ORDER TO**
11 **REMOVE PROVISIONS REGARDING THE NUCLEAR-FREE**
12 **COMMITTEE**
13

14 **WHEREAS,** since 1983 the City of Takoma Park has been **committed to its status as a**
15 **nuclear-free zone**, and will maintain that status as outlined in Chapter 14.04 of
16 the City Code which is more commonly known as the Takoma Park Nuclear-Free
17 Zone Act; and
18

19 **WHEREAS,** Maryland Code, Local Government Article, Section 5–202, as amended,
20 authorizes the legislative body of each municipal corporation in the State of
21 Maryland to pass ordinances that such legislative body deems necessary to assure
22 the good government of the municipality, to protect and preserve the
23 municipality’s rights, property and privileges, to preserve peace and good order,
24 to secure persons and property from danger and destruction, and to protect the
25 health, comfort, and convenience of the citizens of the municipality; and
26

27 **WHEREAS,** Section 401(a) of the City Charter states that the Council has the power to pass
28 all such ordinances not contrary to the Constitution and laws of the State of
29 Maryland as it may deem necessary for the good government of the City, for the
30 protection and preservation of the City’s property, rights, and privileges, for the
31 preservation of peace and good order, for securing persons and property from
32 violence, danger or destruction, and for the protection and promotion of the
33 health, safety, comfort, convenience, welfare, and happiness of the residents of
34 and visitors in the City; and
35

36 **WHEREAS,** Section 401(b)(1) of the City Charter states that the Council has the power to
37 establish any administrative agencies, boards, and commissions that may be
38 deemed necessary to further the purposes of the City; and
39

40 **WHEREAS,** the original Nuclear-Free Act had two purposes: (1) to establish the City as a
41 nuclear-free zone where work on nuclear weapons is prohibited and harmful
42 exposure to high-level nuclear waste is limited, and (2) to redirect resources
43 previously used for nuclear weapons and nuclear power generation towards
44 endeavors which promote and enhance life; and
45

1 **WHEREAS,** the original Nuclear-Free Act: (1) prohibited the production of nuclear weapons
2 within the City, (2) contemplated a socially responsible investment policy,
3 specifically limiting City investments in nuclear weapons producers, (3)
4 generally prohibited City purchases from nuclear weapons producers, and (4)
5 included a city council-appointed resident committee, the Nuclear-Free Takoma
6 Park Committee to assist in implementing these provisions; and
7

8 **WHEREAS,** a 2021 city council review of all city council-appointed commissions, boards &
9 committees, undertaken to strengthen committee effectiveness and be more
10 representative of the community as a whole, recommended, based on a set of
11 common factors applied to all such groups, restructuring or discontinuing several
12 groups including the Nuclear-Free Takoma Park Committee; and
13

14 **WHEREAS,** many specific functions originally assigned to the committee are now performed
15 by city staff, or have very infrequently been exercised; and
16

17 **WHEREAS,** the City Council is committed to building council-appointed committees that
18 closely reflect the diversity of our residents; and
19

20 **WHEREAS,** the City Council has concluded that ongoing attention from a standing city
21 council-appointed committee is no longer necessary to fulfill this policy priority;
22 and
23

24 **WHEREAS,** the City Council is grateful for the years of service rendered by the residents
25 serving on the Nuclear-Free Takoma Park Committee in the past four decades,
26 and expresses deep appreciation for their dedication; and
27

28 **WHEREAS,** the educational activities originally assigned to the Committee have important
29 civic value and City implementation of the Act will include support for resident-
30 led educational efforts.
31

32 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
33 **TAKOMA PARK, MARYLAND, THAT**
34

35 Section 1. Title 2, Chapter 2.16 be amended as follows:
36

Title 2
ADMINISTRATION

Chapters:

- 2.04 Meetings and Procedures of the Council**
- 2.08 City Management**
- 2.12 Administrative Regulations**
- 2.16 Advisory Committees**
- 2.17 Boards and Commissions**
- 2.20 Police Department**

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Chapter 2.16
ADVISORY COMMITTEES

Sections:

Article 1. General Provisions

- 2.16.010 Advisory Committees.
- 2.16.020 Terms of advisory committees.

Article 2. Arts and Humanities Committee

- 2.16.030 Committee established.
- 2.16.040 Statement of purpose.
- 2.16.050 Duties and responsibilities of the Committee.

Article 3. Sustainable Maryland Committee

- 2.16.060 Committee established.
- 2.16.070 Statement of purpose.
- 2.16.080 Duties and responsibilities of the Committee.

Article 4. Emergency Preparedness Committee

- 2.16.090 Committee established.
- 2.16.100 Statement of purpose.
- 2.16.110 Duties and responsibilities of the Committee.
- 2.16.120 Membership.

Article 5. Recreation and Community Engagement Committee

- 2.16.130 Committee established.
- 2.16.140 Statement of purpose.
- 2.16.150 Duties and responsibilities of the Committee.

Article 6. Grants Review Committee

- 2.16.160 Committee established.
- 2.16.170 Statement of purpose.
- 2.16.180 Duties and responsibilities of the Committee.

Article 7. Youth Council

- 2.16.190 Council established.

- 1 2.16.200 Statement of purpose.
- 2 2.16.210 Duties and responsibilities of the Council.
- 3 2.16.220 Membership.

4

5 ~~Article 8. Nuclear Free Takoma Park Committee~~

6

7 ~~2.16.230 Committee established.~~

8 ~~2.16.040 Statement of Purpose.~~

9 ~~2.16.050 Duties and responsibilities.~~

10

1 **Article 1. Advisory Committees - General Provisions.**
2

3 **2.16.010 Advisory Committees.**

4 A. The City Council may establish by ordinance any advisory committee it deems necessary. In
5 addition to other duties assigned, advisory committees are charged with:

- 6
7 1. Providing the City Council with tangible recommendations in key priority areas.
8
9 2. Leveraging residents' technical expertise and lived experiences to inform City
10 policies and programs.
11
12 3. Ensuring that the Council has regular and timely information to use when
13 considering its priorities or important issues.
14
15 4. Providing an opportunity to engage residents on issues that are important to them
16 as well as to assist in community education and engagement activities in their priority areas.
17

18 B. The authority of such entities is limited to that extended to it by the City Council.
19

20 C. Each Committee is required to report the status of its work annually or at the request of the
21 City Council. Council shall review each committee's report and may concurrently undertake a
22 review of each Committee's purpose, duties, other assigned tasks, and adjust them as
23 necessary.
24

25 D. Membership of advisory committees shall be in accordance with the provisions of this section
26 unless otherwise provided by City Code.
27

- 28 1. Only City residents may serve on a committee.
29
30 2. Individuals interested in serving on a committee may apply in accordance with
31 procedures and time frames set forth by the City Council and shall be confirmed and
32 appointed by a majority vote of City Council.
33
34 3. A member who has served on a committee for six years continuously, may not be
35 reappointed to the same committee until one year has elapsed since the end of that
36 member's previous tenure.
37
38 4. A member who is term limited may apply to serve on a Committee for which the
39 member is not term limited.
40

41 E. Organization.
42

- 43 1. Unless otherwise stated in the Code or directed by Council, each advisory
44 committee should consist of up to nine members.
45

2. Each committee shall operate under a common set of procedural rules, which shall be prepared by the City Attorney's office and be approved by Council.

3. Each committee shall elect from its members the following officers: chairperson, vice chairperson, and secretary. Officers shall serve for a period of one year at which time each committee shall elect again the officers. The chairperson shall be elected annually, but may only serve in that capacity for two consecutive years. The Chairperson may not hold two offices simultaneously.

F. Meetings.

1. Committees shall meet at least quarterly or as often as required to fulfill their purposes.

2. All meetings shall be open to the public and are subject to Maryland's Open Meetings Act. Meeting notices and agendas shall be prepared and submitted to the City Clerk and posted in advance of any committee meeting in accordance with State law. Written records of proceedings and attendance shall be maintained by the committee and provided to the City Clerk for safe keeping. A report on the activities of each committee shall be submitted to the City Clerk and Council once per year.

3. Meetings shall be held at times that facilitate and allow for committee member attendance and ease of public attendance.

4. A majority of a committee shall constitute a quorum.

5. Meetings shall take place at a City government building or other publicly accessible location approved by the City Manager. The meetings may occur in person or virtually, so long as such is announced in advance. Meetings may include a virtual attendance option for members and for the public.

6. At least three members of every committee must maintain current Open Meetings Act certification and provide a copy of the certification to the City Clerk.

G. Each committee shall designate an individual who shall be responsible for preparing meeting agendas and minutes, and coordinate publishing and storage of the same with the City Clerk.

H. Staff liaison. The City Manager shall assign a member of the City staff to act as a staff liaison to each committee, who shall provide general support to the committee.

I. Member Conduct.

1. Members are expected to attend each meeting of the committee on which they serve. Members may miss a scheduled meeting for cause.

2. Members are expected to adhere to the Code of Conduct established by the Code of Conduct for Council-Appointed Members of Boards, Committees, Commissions, and Task Forces (Resolution 2020-22, Oct. 7, 2020).

3. Council, by resolution, may remove a member from their position upon finding a violation of the Code of Conduct, no longer meeting the requirements for membership, or otherwise not fulfilling the duties of a member.

2.16.020 Terms of advisory committees.

A. Except as noted elsewhere in this Chapter, beginning in 2021, the initial term for half of a committee's members will end on June 30, 2022. The initial term for the other half of a committee's members' terms will begin in 2021 and end June 30, 2023. If there are an odd number of appointees, the odd number appointee shall be considered part of the term having the later expiration date.

B. Except as noted elsewhere in this Chapter, after the initial terms have expired, all terms of office will be staggered terms of two years. Said terms shall begin on July 1st and end June 30th.

C. The total terms of office for members of a committee shall be no more than six continuous years unless otherwise provided in this Chapter.

D. A member appointed to fill a vacancy shall serve the remainder of the term of office that became vacant.

E. Below is a table containing each advisory committee, the term length, and the expiration date of the term.

Advisory Committee	Term Length (Years)	Expiration
Arts and Humanities Committee (Article 2)	2	June 30
Sustainable Maryland Committee (Article 3)	2	June 30
Emergency Preparedness Committee (Article 4)	2	June 30
Recreation and Community Engagement Committee (Article 5)	2	June 30
Grants Review Committee (Article 6)	2	June 30
Youth Council (Article 7)	1	June 30
Nuclear Free Takoma Park Committee (Article 8)	2	June 30

* * *

Article 8. Nuclear-Free Takoma Park Committee

~~2.16.230 — Committee established.~~

~~There is established a Nuclear Free Takoma Park Committee. Committee members shall have collective experience in the areas of science, research, finance, law, peace and ethics.~~

~~2.16.240 — Statement of purpose.~~

~~The purpose of the Nuclear-Free Takoma Park Committee is to fulfill the duties and responsibilities assigned to it by the City Code and to perform such other tasks as Council may direct from time to time.~~

~~2.16.250 — Duties and responsibilities.~~

~~The Committee shall have the following duties and responsibilities:~~

~~A. The Committee may review any work within the City which it has reason to believe is not in compliance with Section 14.04.040 of the Takoma Park Nuclear Free Zone Act. The Committee shall notify the City Council and the City Manager of a suspected violation of this the Takoma Park Nuclear-Free Zone Act.~~

~~B. The Committee shall review existing City contracts, awards, purchase orders and investments and may review proposed contracts, awards, purchase orders and investments to assure compliance with Sections 14.04.050 and 14.04.060 of the Takoma Park Nuclear Free Zone Act. If the Committee finds any contracts, awards, purchase orders or investments in violation of this the Takoma Park Nuclear-Free Zone Act, it shall, in conjunction with the City Manager, make recommendations to the Mayor and Council regarding the existence of reasonable alternatives.~~

~~C. The Committee, in conjunction with the City Manager, shall propose a socially responsible investment policy and implementation plan as specified in Section 14.04.050 and, upon the adoption of the policy and plan, shall annually thereafter review the investment policy to ensure its conformity to this the Takoma Park Nuclear-Free Zone Act.~~

~~D. The Committee shall, through the collection of materials, newsletter articles, cable television programming, public forums and other means, provide public education and information on issues related to the intent and purpose of the Takoma Park Nuclear Free Zone Act. In performing this task, the Committee shall cooperate with City staff, the Nuclear Freeze Task Force and other interested community groups and individuals.~~

~~E. The Committee shall maintain a collection of current materials concerning the production of nuclear weapons and the components thereof and the transportation of high-level nuclear waste resulting from the production of nuclear weapons and nuclear energy. From this information and from consultations with individuals and organizations involved in the nuclear weapons and nuclear energy debate, the Committee shall annually prepare and report to the City Council a list of nuclear weapons producers to guide the City, its officials, staff and agents in the implementation of Sections 14.04.050 and 14.04.060 of the Takoma Park Nuclear Free Zone Act. The Committee shall also make recommendations to the City Council from this information and from consultations with individuals and organizations involved in the transportation of high-level nuclear waste on how best to promote the safety and welfare of the City from harmful exposure to high-level nuclear~~

1 waste.

2 ~~F. Before a waiver of the provisions of Sections 14.04.060(A), (B) or (C) pursuant to Section~~
3 ~~14.04.060(F) may be sought, the Committee, in conjunction with the City Manager or his or her~~
4 ~~designee, shall conduct a diligent search to determine the availability of reasonable alternative~~
5 ~~sources for a necessary product or service, except, however, the City Manager or his or her~~
6 ~~designee and/or the Committee's unwillingness or inability to conduct such a search shall not~~
7 ~~preclude actions by the Mayor and Council pursuant to Section 14.04.060(F). (Ord. 2005-29 (part),~~
8 ~~2005/prior code § 8A-12)~~

9
10 * * *

11 THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK,
12 MARYLAND, THIS 24TH DAY OF JANUARY, 2024, AND SHALL BE EFFECTIVE
13 BEGINNING ON THE 20TH DAY FOLLOWING ITS ENACTMENT, BY ROLL-CALL VOTE
14 AS FOLLOWS:

15
16 AYE: Searcy, Fulcher, Dyballa, Gibson, Seamens, Honzak
17 NAY: Small
18 ABSTAIN: None
19 ABSENT: None
20
21

22 **Explanatory Note:**

- 23
24 1. Underlining indicates language being added to the Code.
25 2. ~~Strikethrough~~ indicates language being deleted from the Code.