

Introduced by: Councilmember Kostiuk

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2020-18**

**AUTHORIZING THE CONTINUATION OF QUASI-JUDICIAL  
PROCEEDINGS BY THE CITY’S BOARDS, COMMISSIONS, AND  
COMMITTEES THROUGH THE USE OF VIRTUAL  
TECHNOLOGY IN CERTAIN CIRCUMSTANCES**

**WHEREAS,** on March 5, 2020, Governor Lawrence J. Hogan, Jr. of Maryland proclaimed a state of emergency and a catastrophic health emergency due to the outbreak of disease, hereinafter referred to as “COVID–19,” caused by the novel coronavirus; and

**WHEREAS,** on March 11, 2020, the City Council adopted an uncodified emergency Ordinance authorizing the City Manager to act in response to the emergency created by the novel coronavirus by taking all appropriate and reasonable measures to assure the efficient operation of the City’s government and to protect the public’s health, safety, and welfare; and

**WHEREAS,** on March 17, 2020, the Chief Judge of the Court of Appeals of Maryland issued an Administrative Order restricting all courts in the Maryland Judiciary, court offices, administrative offices, units of the Judiciary, and the Offices of the Clerks of the Circuit Courts and the clerks’ offices of the District Court, to emergency operations and closed with limited exceptions; and

**WHEREAS,** on April 8, 2020, the Chief Judge of the Court of Appeals of Maryland continued restrictions and closures of Maryland’s Courts through May 1, 2020; and

**WHEREAS,** on May 4, 2020, the Chief Judge of the Court of Appeals of Maryland continued restrictions and closures of Maryland’s Courts through June 5, 2020; and

**WHEREAS,** on May 22, 2020, the Chief Judge of the Court of Appeals of Maryland announced a phased reopening of Maryland’s Courts beginning June 5, 2020; and

**WHEREAS,** on June 3, 2020, the Chief Judge of the Court of Appeals of Maryland amended her May 22nd Administrative Order regarding a phased reopening of Maryland’s Courts beginning June 5, 2020; and

**WHEREAS,** the phased reopening of Maryland’s Courts consists of five phases with Phase III commencing on July 20, 2020, and said Phase permitting Courts to hold a broader range of matters, with limited in-person services, while continuing social-distancing and while taking appropriate steps consistent with current guidance from the CDC, MDH or both; and

**WHEREAS,** some of the City’s Boards, Commissions, and Committees conduct quasi-judicial proceedings, which are subject to judicial review by Maryland’s Courts and those proceedings have been stayed pursuant to City of Takoma Park Resolution 2020-12; and

**WHEREAS,** City quasi-judicial proceedings generally require staff support, legal support, and access to records, which are generally located in City facilities, and are designed to afford due process to those involved; and

**WHEREAS,** social distancing protocols activated in response to COVID-19 impact the ability of the City’s Boards, Commissions, and Committees to conduct quasi-judicial proceedings, present logistical challenges, and require technological training for staff and members; and

**WHEREAS,** the Council desires to allow the City Manager to phase-in virtual quasi-judicial proceedings if possible while accounting for the need to conduct necessary technological training and access necessary records, and balancing the same with the additional logistical challenges presented by City staff operating remotely during a global pandemic; and

**WHEREAS,** the Council desires to allow a phase-in to begin and continue so long as it is viable given pandemic related considerations and within the ability of City staff to manage the additional workload while operating remotely; and

**WHEREAS,** the Council desires to permit the City Manager to suspend the phase-in of quasi-judicial proceedings in the event pandemic related conditions warrant such a suspension and/or the City’s ability to proceed with quasi-judicial proceedings is adversely affected by pandemic related operations.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THAT,** Resolution 2020-12 suspending quasi-judicial proceedings before the City’s Boards, Commissions and Committees is hereby modified as follows:

**Section 1.** Except as established pursuant the City Manager’s phase-in schedule for the resumption of virtual quasi-judicial proceedings or otherwise provided by this Resolution, all quasi-judicial proceedings before the City’s Boards, Commissions, and Committees shall remain suspended and the underlying matters stayed until thirty (30) days after Maryland’s COVID-19 state of emergency has been terminated. The City Manager shall take all reasonable and appropriate steps necessary to implement this Resolution.

**Section 2.** Except as otherwise provided by the City Manager’s phase-in schedule or suspension of the same, during the effective period of this Resolution, a City Board, Commission, or Committee may proceed with a quasi-judicial proceeding only if it is determined by the City Manager to be an emergency relating to the public’s health, safety, or welfare.

**Section 3.** While this Resolution is in effect, the City Manager shall have the authority to suspend, modify, or rescind the implementation of the phase-in schedule due to pandemic related considerations or if the City’s ability to proceed with quasi-judicial proceedings is adversely affected by pandemic related operations, provided the City Manager reports the same to the City Council in accordance with Uncodified Emergency Ordinance 2020-04.

**Section 4.** The City Manager is directed to ensure any and all necessary communications are made with any party to a matter pending before any City Board, Commission, or Committee, and with the Governor’s Office and any other State Agency regarding this Resolution.

**Section 5.** Nothing herein shall be construed as limiting the City Manager’s authority to act pursuant to Uncodified Emergency Ordinance 2020-04, which was enacted on March 11, 2020.

**Section 6.** The Mayor and Council may rescind, modify, or extend this Resolution by a majority vote of those present.

**THIS RESOLUTION, WHICH IS EFFECTIVE IMMEDIATELY, IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 29TH DAY OF JULY, 2020, BY ROLL-CALL VOTE AS FOLLOWS:**

AYE: Stewart, Kovar, Dyballa, Kostiuk, Seamens, Smith, Searcy  
NAY: None  
ABSTAIN: None  
ABSENT: None

Attest:

Jessie Carpenter, CMC  
City Clerk