

Special Session

Agenda Item #	5
Meeting Date	October 22, 2012
Prepared By	Susan Silber, City Attorney
Approved By	Suzanne Ludlow, Acting City Manager

Discussion Item	Ordinance Amending the Takoma Park Code to Formalize the Council's Oversight of the City Manager's Selection of Executive Employees and Encourage Such Employees to Reside in the City.
Background	<p>Under the Takoma Park Charter, the Council appoints the City Manager, and the City Manager is responsible for the appointment of all other City employees. Although the Council supervises the City Manager, neither the Charter nor the Takoma Park Code prescribe how the Council is to provide guidance and oversight to the City Manager in the City Manager's selection of executive City employees. Currently, the Takoma Park Code establishes a residency preference for applicants for nonexecutive, merit system City employment. No such preference exists for applicants for employment in executive City positions. In addition, the Takoma Park Code does not include any provisions encouraging executive City employees to reside in the City.</p> <p>The proposed Ordinance would amend the Takoma Park Code to (1) require the City Manager to confer with the Council regarding desirable qualifications for executive City employees before soliciting applications, (2) require the City Manager to provide periodic reports to the Council on the status of the hiring process, (3) establish a preference for City residents in the selection of the Deputy City Manager and Department Heads, and (4) authorize the City Manager to offer financial and nonfinancial incentives to executive employees to become City residents.</p>
Policy	This Ordinance is intended to strengthen the ties between the City's executive staff and the Takoma Park community by encouraging such employees to reside within the City and facilitate the Council's oversight of the City Manager's selection of key City employees.
Fiscal Impact	N/A
Attachments	Proposed Ordinance
Recommendation	Vote on the proposed Ordinance at first reading.
Special Consideration	This proposed Ordinance should be considered in conjunction with the proposal to amend the Takoma Park Charter and the alternative proposed Ordinance (agenda item #4) that also is being considered by the Council at the Special Session.

Introduced by:

First Reading:

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2012-

Amending the Takoma Park Code to Formalize the Council's Oversight of the City Manager's Selection of Executive Employees and Encourage Such Employees to Reside in the City.

WHEREAS, under Section 701 of the Municipal Charter of the City of Takoma Park, the City Manager is responsible to the City Council for the proper administration of all the affairs of the City; and

WHEREAS, the Council wishes to formalize its role in the establishment of desirable qualifications for executive City employees without interfering with the City Manager's authority to appoint City employees; and

WHEREAS, the Council seeks to strengthen the ties between executive City employees and the community of Takoma Park by encouraging such employees to live within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, that, effective immediately, Title 2, Administration, Chapter 2.08, City Management, of the Takoma Park Code is amended as follows:

Article 1. City Manager

2.08.010 Appointment and duties of City Manager.

The Council shall appoint a City Manager, who shall be responsible for the proper administration of all day-to-day affairs of the City. The City Manager shall be vested with the powers and authority necessary to perform such duties, except where they may be inconsistent with other provisions of the Charter or this Code. The City Manager shall manage the departments of the City, through the department heads, to enforce the laws of the City. In addition, the City Manager shall perform such other duties as the Council may lawfully require.

Article 2. Department Heads

2.08.020 Power of appointment.

A. The City Manager shall have the power to appoint, suspend and remove all department heads and the Deputy City Manager at his or her sole discretion. The City Manager is authorized to negotiate and finalize all terms of employment with department heads and other appointed City officials.

B. The City Manager, before soliciting candidates to fill these positions, shall confer with the City Council regarding desirable qualifications of the person to be hired and shall provide periodic status reports to the Council throughout the hiring process.

2.08.030 Designation of department heads.

The City Manager may establish such department head positions as the City Manager deems necessary to manage the functions of the City government. The department heads may include:

A. Library Director. The Library Director shall have overall responsibility for the general operation of the library. The Library Director shall plan, coordinate and direct library services for the City.

B. Public Works Director. The Public Works Director shall have general charge of all public works done in the City. The Public Works Director shall plan, direct, supervise, and coordinate activities in such areas as infrastructure, building and vehicle maintenance, construction, park and street maintenance, refuse collection and disposal, recycling, trees and vegetation and stormwater management.

C. Police Chief. The Police Chief shall arrange all activities and programs of the Police Department and shall be responsible for law enforcement in the City.

D. Director of Recreation. The Director of Recreation shall plan, promote and administer recreation programs for the City.

E. Director of Economic and Community Development¹. The Director of Economic and Community Development shall manage the City's community and economic development and housing service functions. These functions include planning, historic preservation, development, enforcement of laws relating to landlord-tenant matters, housing code enforcement, and code enforcement, generally.

2.08.040 Executive employees - Residency preference and residency incentives.

A. For the purposes of this section, "executive employees" shall mean the Deputy City Manager and all department heads.

B. *Residency preference.* In cases where the qualifications of prospective executive employees are substantially the same, preference for employment shall be given to City residents. City employees who apply for executive positions shall be eligible for this preference.

C. *Residency incentives.*

1. The City Manager, at his or her discretion, may offer financial and non-financial incentives to encourage prospective executive employees to become residents of the City. Incentives may include, but are not limited to, salary enhancement, stipends, relocation assistance, reimbursement of relocation expenses, and signing bonuses.

2. To be eligible for residency incentives, the executive employee must become a resident of the City within 90 days of his or her employment, unless the City Manager, for good cause, extends the deadline. In no event shall the City Manager extend the relocation deadline beyond one year from the commencement of employment.

3. The City Manager, at his or her discretion, may offer residency incentives to non City resident executive employees who are employed by the City on _____ [insert effective date of ordinance].

THIS ORDINANCE IS ADOPTED THIS ____ DAY OF _____ 2012, BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, BY ROLL-CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSENT:

ABSTAIN:

EXPLANATORY NOTE

Additions to the existing language of the *Takoma Park Code* are shown by underlining.
Deletions from the existing language of the *Takoma Park Code* are shown by ~~striketrough~~.

¹ The position Director of Economic and Community Development is currently titled Director of Housing and Community Development.