

Regular Meeting

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

Discussion Item	Ordinance Amending the Takoma Park Code to Establish a Residency Requirement for the City Manager and to Allow for the Establishment of Residency Preferences and Incentives to Encourage Executive Employees to Reside in the City.
Background	<p>Charter Amendment Resolution No. 2012-1, introduced and read on October 22, 2012, amends the Takoma Park Municipal Charter to provide that the Council, by Ordinance, may establish a residency requirement for the City Manager that may be waived by the Council on a case-by-case basis. The proposed Ordinance would amend the Takoma Park Code to require the City Manager to reside within the City limits, but allow the Council to waive the residency requirement “for reasons of hardship or other good cause.”</p> <p>This Charter Amendment Resolution also allows the Council to amend the Takoma Park Code to establish a residency preference for applicants for executive City positions and incentives for 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 reside within the City, unless the City residency requirement was waived by the Council for reasons of hardship or other good cause; (2) establish a preference for City residents in the selection of executive employees (<i>i.e.</i>, the Deputy City Manager, City Clerk, Treasurer, and Department Heads), and (3) authorize the City Manager to offer financial and nonfinancial incentives to executive employees to become City residents.</p> <p>The proposed Ordinance would take effect on the effective date of Charter Amendment Resolution No. 2012-1. If Charter Amendment Resolution No. 2012-1 does not take effect, then the Ordinance would be null and void.</p>
Policy	This Ordinance is intended to strengthen the ties between the City Manager, the City’s executive staff, and the Takoma Park community by requiring the City Manager to live within the City, except for good cause, and by encouraging the City’s executive employees to reside within the City. Residency preference is already allowed for other City employees by Takoma Park Code Sec. 4.04.420 (“There shall be no restriction on the geographic area from which qualified candidates for any position within the City [classified] service can be recruited. When residents of Takoma Park and nonresidents are equally qualified for a vacant position, Takoma Park residents may receive first consideration for appointment; however, this provision should not be construed as a guaranty of employment.”)
Fiscal Impact	
Attachments	Proposed Ordinance
Recommendation	Vote on the proposed Ordinance at first reading.
Special Consideration	

Introduced by:

First Reading:

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2012-

Amending the *Takoma Park Code* to Establish a Residency Requirement for the City Manager and to Allow for the Establishment of Residency Preferences and Incentives to Encourage Executive Employees to Reside in the City.

WHEREAS, pursuant to Section 705 of the Municipal Charter of the City of Takoma Park, as amended by Charter Amendment Resolution No. 2012-1, the Council, by Ordinance, may establish a residency requirement or preference for the City Manager; and

WHEREAS, the Council seeks to strengthen the ties between the City Manager and the community of Takoma Park by requiring the City Manager to reside within the City limits, but to allow the Council to grant a waiver from such residency requirement on a case-by-case basis for reasons of hardship or other good cause; and

WHEREAS, Section 705 of the Municipal Charter of the City of Takoma Park, as amended by Charter Amendment Resolution No. 2012-1, also provides for the Council, by Ordinance, to establish a residency preference for executive City employees who report directly to the City Manager; and

WHEREAS, the Council wishes to establish a residency preference for prospective executive City employees who are City residents and to authorize the City Manager to offer incentives to encourage executive City employees to live within the City.

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

SECTION 1. 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.

A. 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.

B. The City Manager shall maintain his or her principal residence within the City limits. The City Manager need not be a resident of the City or State at the time of appointment to the office, but may reside outside of the City while in office only with the approval of the Council for reasons of hardship or other good cause.

Article 2. Department Heads

2.08.20 Power of appointment.

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.

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, City Clerk, Treasurer, 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. Except as provided in subsection C.3, 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 January 1, 2013.

SECTION 2. This Ordinance shall take effect on the effective date of Charter Amendment Resolution No. 2012-1. If, for any reason, Charter Amendment Resolution No. 2012, does not take effect, then this Ordinance shall be null and void.

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.