



Council Legislative Meeting Agenda
VIRTUAL MEETING
City of New Carrollton

WEDNESDAY, July 15, 2020, 7:00 P.M.

Council Action

- 1. Call-to- Order
- 2. **STATEMENT FOR THE RECORD – CLOSED MEETING OF MONDAY, JULY 13, 2020:**

In accordance with the General Provisions Article, Section 3-306 (c)(2) of the *Annotated Code of Maryland*, I move that the minutes of tonight’s meeting reflect that Council met in a virtual closed session on Monday July 13, 2020, at 9:18 p.m., pursuant to General Provisions Art., Section 3-307(b)(1) to discuss the appointments of officials/employees, over whom this public body has jurisdiction.

Motion – John/Robbins
Vote to close session:

	Yes	No	Abstain	Absent
Mr. John	X			
Ms. Robbins	X			
Ms. Hooks	X			
Ms. Mills	X			
Mr. Lashley	X			

The following staff members were in attendance: City Administrative Officer Timothy George (9:24 p.m. until 9:29 p.m.), Chief of Police David Rice (9:30 p.m. until 9:36 p.m.), Assistant Director of Public Works Andre Triplett (9:36 p.m. until 9:40 p.m.), Human Resource Administrator Alayna Rowlett, and City Clerk Douglass Barber. Phelecia Nembhard, Mayor was also in attendance. The Council took no action during this session. The Closed Meeting adjourned at 9:46 p.m.

- 3. **Council Questions/Council Announcements**

- 4. **Additions to the Agenda by the Council**

- 5. **OLD BUSINESS**

- 6. **None**

- 7. **NEW BUSINESS**

- 8. **Re-Appointment of Board of Elections Member – Mr. Charles Davis**

Motion: I move that the Council approve the Mayor’s re-appointment of Mr. Charles Davis as a member of the City of New Carrollton Board of Elections for a term that will end on June 15, 2022, as stated in Section C-5 Board of Election in the City of New Carrollton Charter. – **John**

9. **Charter Amendment Resolution 20-04 Collective Bargaining**
Motion: I move that the Council introduce Charter Amendment Resolution 20-04, a Charter Resolution of the City Council of New Carrollton Amending the Charter of the City of New Carrollton, § C-3 "Government of the City," Subsection D "Council: Powers and Duties" to authorize the City Council to recognize and engage in Collective Bargaining for Non-Managerial Sworn Police Officers of the City of New Carrollton Police Department. – **Robbins**

10. **Appointment of City Administrative Officer Position**
Motion: I move that the Council approve Mayor Nembhard's appointment of Mr. Timothy E. George, as City Administrative Officer for the City of New Carrollton. – **Hooks**

11. **Appointment of Chief of Police Position**
Motion: I move that the Council approve Mayor Nembhard's appointment of Mr. David G. Rice, as Chief of Police for the City of New Carrollton. – **Mills**

12. **Appointment of Director of Public Works Position**
Motion: I move that the Council approve Mayor Nembhard's appointment of Mr. Andre Triplett, as Director of Public Works for the City of New Carrollton. – **Robbins**

13. **Adjournment**

This Agenda is subject to change. If this agenda is modified it will be reposted to the City of New Carrollton's website:
www.newcarrolltonmd.gov. If you have any questions please contact the City Clerk at (301) 459-6100.

PLEASE NOTE: This meeting of the City of New Carrollton Council will be a virtual meeting. Anyone interested in listening to the meeting will be able to by calling the following number: **301-715-8592 with code 936 2277 9720**. You do not need a participant code. If you want to join the meeting via the Computer click on the link to join the Zoom Meeting:
<https://zoom.us/j/93622779720?pwd=MURjaXdtWWJXT3M1eUgySWp1YkZoQT09>
Meeting ID: 936 2277 9720

If you have comments for the Council please email them to City Clerk Doug Barber at dbarber@newcarrolltonmd.gov by 3:00 p.m. the day of the meeting.



CHARTER AMENDMENT RESOLUTION 20-04

CHARTER AMENDMENT RESOLUTION OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING THE CHARTER OF THE CITY OF NEW CARROLLTON, § C-3 "GOVERNMENT OF THE CITY," SUBSECTION D "COUNCIL: POWERS AND DUTIES" TO AUTHORIZE THE CITY COUNCIL TO RECOGNIZE AND ENGAGE IN COLLECTIVE BARGAINING FOR NON-MANAGERIAL SWORN POLICE OFFICERS OF THE CITY OF NEW CARROLLTON POLICE DEPARTMENT

WHEREAS, in August, 2019, the City of New Carrollton Lodge #137 Fraternal Order of Police requested to meet and confer with the City on the wages and working conditions of the members of its organization, that it to collectively bargain with the City of New Carrollton; and

WHEREAS, the City of New Carrollton Charter does not authorize the City to collectively bargain; and

WHEREAS, the City of New Carrollton has the authority under Maryland law, including Md. Local Government Code Ann. § 5-201 et seq., to enact an ordinance permitting voluntary collective bargaining between the City and an employee organization that the employer has recognized as an exclusive representative of its employees; and

WHEREAS, the City Council of New Carrollton deems it to be necessary and appropriate for the City Council to have the authority to engage in collective bargaining with non-managerial sworn police officers of the City of New Carrollton Police Department.

Section 1: **NOW, THEREFORE, BE IT RESOLVED** by the City Council of New Carrollton, that the Charter of the City of New Carrollton, §C-3 "Government of the City," subsection D "Council: powers and duties" shall be and is hereby amended to read as follows:

§ C-3 Government of the City.

* * *

D. Council: powers and duties. The Council shall be the legislative body of the City and shall exercise such powers and perform such duties as are or may be conferred upon it by the General

BOLDFACED CAPITALS: Indicate language added to the City Charter.

* * * : Asterisks represent language that is not reproduced in the Charter Amendment that remains unchanged by the Charter Amendment.

Assembly, by this Charter, and by all ordinances, resolutions and policies of the City consistent with the provisions of this Charter and not contrary to the Constitution and laws of the State of Maryland or the power of the Mayor. **THE COUNCIL SHALL HAVE THE POWER TO RECOGNIZE AND ENGAGE IN COLLECTIVE BARGAINING WITH ONE OR MORE DESIGNATED BARGAINING REPRESENTATIVES OF NON-MANAGERIAL, SWORN POLICE OFFICERS OF THE CITY OF NEW CARROLLTON, MARYLAND, POLICE DEPARTMENT; TO ENTER INTO A BINDING COLLECTIVE BARGAINING AGREEMENT WITH SAID REPRESENTATIVES; AND TO ENACT BY ORDINANCE OR AMENDMENT A SYSTEM OF RULES AND REGULATIONS TO GOVERN THIS PROCESS. THE CITY COUNCIL SHALL APPROVE ALL COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO BY THE CITY WITH A COLLECTIVE BARGAINING REPRESENTATIVE PRIOR TO THEIR BECOMING EFFECTIVE. IN THE EVENT THE PARTIES NEGOTIATING A COLLECTIVE BARGAINING AGREEMENT ARE UNABLE TO REACH AGREEMENT ON ONE OR MORE TERMS OF A COLLECTIVE BARGAINING AGREEMENT, THE CITY COUNCIL SHALL HAVE THE AUTHORITY TO SET THOSE TERMS AND CONDITIONS OF EMPLOYMENT THAT REMAIN IN DISPUTE UPON A MAJORITY VOTE.**

The members of the Council shall receive such salary or compensation as the Council shall fix, provided that any increase in salary or compensation voted by the Council shall not go into effect until approved by the voters at the next general election. At the first meeting of each new Council, the Council shall elect from among its members a Chairperson and a Vice Chairperson. The Chairperson of the Council will act as presiding officer during meetings of the Council, and will be responsible for approving the content of City Council meeting agendas. The Vice Chairperson of the Council will act in the capacity of Chairperson during the Chairperson's temporary absence. In the absence of the Chairperson and Vice Chairperson, a Councilmember other than the Mayor Pro Tem and Alternate Treasurer will act as presiding officer during meetings of the Council.

* * *

Section 2: NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of New Carrollton that if any provision of this Charter Amendment Resolution or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Charter Amendment Resolution that can be given effect without the invalid provision or application, and for the purpose the provision of this Charter Amendment Resolution are declared severable.

Section 3: BE IT FURTHER RESOLVED that this Charter Amendment Resolution is adopted this ____ day of _____, 2020, and that the amendments to the Charter of the City of New Carrollton, hereby proposed by this enactment, shall be and become effective fifty (50) days after its passage by the City unless petitioned to referendum in accordance with the Local Government Article of the Annotated Code of Maryland within 40 days following its passage. A fair summary of this Resolution shall be posted in the City Hall for forty (40) days following its adoption and

published in a newspaper having general circulation in the City no fewer than four (4) times at weekly intervals within the forty (40) days following its passage by the City.

Section 4: BE IT FURTHER RESOLVED that prior to the adoption of this Charter Amendment Resolution, the City Council of New Carrollton conducted a public hearing on the proposed amendment on the ____ day of _____, 2020, after at least 21 days' advance notice of the public hearing.

Section 5: BE IT FURTHER RESOLVED that as soon as the Charter Amendment Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Administrative Officer shall send to the Department of Legislative Services, the following information concerning the Charter Amendment Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the City Council of New Carrollton or in a referendum; and (iv) the effective date of the Charter Amendment.

Section 6: BE IT FURTHER RESOLVED that the City Administrative Officer of the City of New Carrollton, Maryland be, and hereby is specifically instructed to carry out the provisions of Sections 4 and 6 as evidence of compliance herewith; and the City Administrative Officer shall cause to be affixed to the minutes of this meeting an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Amendment shall have been published, and shall further cause to be completed and executed the Certificate of Effect.

INTRODUCED by the City Council of New Carrollton at a Regular Meeting of the City Council on the ____ day of _____, 2020.

ADOPTED AND ENACTED by the City Council of New Carrollton at a Regular Meeting of the City Council on the ____ day of _____, 2020.

Effective: _____, 2020

Attest:

City of New Carrollton

Douglass A. Barber, MMC
City Clerk

Lincoln Lashley, Chair

Date: _____

Approved:

Phelecia E. Nembhard, Mayor

Date: _____

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