



**CITY COUNCIL WORKSHOP
VIRTUAL MEETING
MONDAY, OCTOBER 19, 2020, 7:00 P.M.**

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.

Items for discussion

1. **Call to Order**

2. **STATEMENT FOR THE RECORD – CLOSED MEETING OF WEDNESDAY, OCTOBER 7, 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 Wednesday, October 7, 2020, at 6:27 p.m., pursuant to General Provisions Art., Section 3-307(b)(7) to consult with counsel to obtain legal advice; and (b)(8) to consult with staff, consultant, or other individuals about potential litigation.

Motion – John/Mills

Vote to Close Meeting:

	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 Karen Ruff, Human Resource Administrator Alayna Rowlett, and City Clerk Douglass Barber. Phelecia Nembhard, Mayor, Gabriel J. Christian, City Attorney, Matt Peter (LGIT), and Tim Ailsworth (LGIT), were also in attendance. The Council gave direction to the attorneys on how to proceed on the matter. The Closed Meeting adjourned at 7:05 p.m.

3. **Report of the Mayor and Administration**

4. **Council Questions/Council Announcements**

5. **Proclamation – Red Ribbon Week (October 23 – October 31, 2020)**

6. **Resolution 21-02 Creating a Community Relations Committee**

7. **Resolution 21-03 Creating a Community Outreach Committee**

8. **Ordinance 21-02 Chapter 23 Personnel Policies**

9. **Resolution 21-04 Amending and Reauthorizing the City of New Carrollton Economic Development Grants Program**

10. **Discussion on the Department Heads having the Authority to Make Their Own Line Item Adjustments**

11. **Discussion on L.A. Perez Consulting, LLC - (a political consulting firm)**
12. **Parking in the City of New Carrollton**
13. **Committee Appointments:**
 - Ethics Commission**
 - Board of Elections**
 - Weinbach Scholarship**
14. **Meeting Minutes**
 - a.) Council Workshop Meeting/Special Council Legislative Meeting Minutes (September 2, 2020)
 - b.) Council Workshop Meeting Minutes (September 14, 2020)
 - c.) Council Legislative Meeting Minutes (September 16, 2020)
15. **Public Comment – (Residents’ Concerns, Audience Participation and Phone Calls) When addressing the Council please state your name and address for the record.**
16. **Request for Future Agenda Items**
17. **Adjournment**

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 915 3605 7121**. 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: Join Zoom Meeting <https://zoom.us/j/91536057121> **Meeting ID: 915 3605 7121** 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.



CITY OF NEW CARROLLTON

MEMORANDUM

To: Mayor and City Council

From: Karen Ruff, Assistant City Administrative Officer

Cc: Department Heads

Re: October 2020 City Administrative Officer's Report

Date: October 16, 2020

Administration

Coronavirus Relief Fund Agreement with Prince George's County – The City submitted a revised Coronavirus Relief Fund Spending Plan (“Revised Plan”) to Prince George's County on September 30. On October 15, the City received notification that the Revised Plan was approved. The Revised Plan provides \$300,000 for an emergency assistance program to New Carrollton residents to help with utility shutoff notices, eviction notices, emergency shelter, and other emergency necessities. The COVID Relief bags that are part of the Spending Plan that was originally approved will be distributed the week of October 26. Each bag will contain hand sanitizer, masks and either a \$100 gift card for use at the New Carrollton Shoppers, New Grand Mart or Foodway or a \$100 Costco gift card. Recipients will be required to provide proof of residency in the City of New Carrollton. There will be one bag per address. The City has an additional 1,000 One Hundred Dollar (\$100.00) gift cards to distribute at a later date.

Resurfacing of the Municipal Center Parking Lot - The contractor will be resurfacing the rear parking lot and side driveways of the Municipal Center on Tuesday, October 20, 2020 and Wednesday, October 21 (weather permitting). Staff will be parking in the front of the Municipal Center on those days. If you plan to visit the Municipal Center, please be aware of these parking constraints.

Boiler at the Municipal Center - The boiler was replaced this week. The building now has heat!

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Frenchman's Creek Park - This week, the City issued RFP 2021-02 "Vegetation Removal, Site Restoration and Landscape Plantings" and RFP 2021-03 "Playground Renovations" for Frenchman's Creek Park. These RFPs can be found on the City's website.

6000 Harland Street Property - Staff has prepared a Request for Expressions of Interest for the Harland Street property that is being reviewed and is expected to be issued soon.

Maryland Green Registry - The Maryland Green Registry is a free, voluntary program offering tips and resources to help organizations set and meet their sustainability goals. The Green Team Action Plan states that the City will join the Maryland Green Registry. In doing so, the Team gains points from Sustainable Maryland towards recertification. To become part of the Maryland Green Registry, the City must fill out a member profile form, share information regarding at least five environmental practices in place at the City and provide a measurable result related to at least one of these practices. Staff, working with the Green Team, has completed the application for the Maryland Green Registry. It has been submitted to Sustainable Maryland for comment prior to its formal submission. Benefits of membership in the Maryland Green Registry include: use of the Registry logo; free information and technical assistance with implementing new environmental best practices; information on webinars and conferences to help the City continue its greening efforts; and recognition and eligibility for the annual Maryland Green Registry Leadership Awards.

MML Fall Conference/Academy of Excellence - The Maryland Municipal League Virtual Fall Conference was held on October 8 and 9. Alayna Rowlett, Human Resources Administrator, Maisha Williams, Director of Finance and Accounting/Treasurer, Doug Barber, City Clerk and I attended the Academy of Excellence Core classes offered during the Conference, which included Municipal Budgeting, Parts One and Two, and Public Information Act, Parts One and Two.

Painting at the Municipal Center Building - The area in Administration by the kitchen and the copier room was painted. Next, the floors in that area will be cleaned.

Temperature Screenings - One of the symptoms of COVID-19 is a fever. In an effort to take additional precautionary measures to prevent the spread of COVID-19 during a time when an uptick in COVID-19 is anticipated, the City is installing GoSafe temperature screening stations in every department and, beginning Monday, October 26, the City will begin screening all employees at the beginning of their shifts and the public who enter City facilities. Per the Centers for Disease Control and Prevention guidelines, a person is considered to have a fever if their temperature is 100.4° F or higher. Accordingly, if a person's temperature is greater than 100.4 degrees, the person will not be allowed access to a City facility. An employee will be sent home, while a member of the public will be turned away. Employees who have a fever or other signs of respiratory infection will not be allowed to return to work unless they no longer have a temperature of 100.4° F or higher for at least 24 hours without using fever-reducing medications.

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New Carrollton City Park Revitalization Master Plan - A copy of the City Park Revitalization Master Plan was delivered to Councilmember John, Councilmember Hooks and Councilmember Mills on October 16. To provide them an opportunity to review the document, a discussion of this matter is scheduled for the City Council workshop meeting on November 4.

City of New Carrollton eNewsletter: The City now has 512 people signed up to receive the City's eNewsletter.

Newsletter: The November/December 2020 City Newsletter will be mail to residents the first week of November. Ms. Benitez will be preparing the January/February 2020 edition. Please let her know if you have anything you wish to include.

City Clerk

Events -

Halloween: Considering COVID-19 concerns, the City will be holding a "Trail of Treats" on Saturday, October 31, 2020, from 1:00 p.m. until 4:00 p.m. at Beckett Field (8511 Legation Road). Mayor Nembhard has also issued Executive Order 21-02 prohibiting door-to-door trick-or-treating in the City of New Carrollton.

Shredding Event: The City's Annual Shredding Event is scheduled for Saturday, November 14, 2020, from 9:00 a.m. until 12:00 Noon at the Andrew C. Hanko Building at Beckett Field (8511 Legation Road). Please contact City Clerk Doug Barber at 301-459-6100 or by email at dbarber@newcarrolltonmd.gov if you have any questions.

2020 Holiday Decorating Contest: The City's 2020 Holiday Decorating Contest will be judged on Monday, December 7, 2020. Residents must submit an application for their residence to be judged. Direct all questions to City Clerk Doug Barber at (301) 459-6100 or by email at dbarber@newcarrolltonmd.gov.

City Committees: Information regarding City committees, including how to apply to be on a City committee, has been posted on all media outlets in the City. Mayor Nembhard will review all Committee Applications and make her appointments with City Council's confirmation. We are currently looking for volunteers to serve on the following committees: Board of Elections, Ethics Commission, Vera Cope Weinbach Scholarship, Zoning & Appeals Board, and Veterans Park Memorial Committee. Details of each of the City Committees are located on the City's website.

Social Media Report

Highlighting the social media activity over the past periods on our Facebook and Twitter accounts:

Facebook:

In the last 28 days there have been

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- 315 page views
- 17 page likes
- 1,604 people reached through posts
- 536 Post Engagements.

The top post was information about food distribution at Charles Carroll Middle School. It reached 425 people and had 27 reactions.

Twitter:

Twitter earned 5,150 impressions over the last 28 days. The top tweet was an announcement for food distribution. It received

- 393 impressions
- 18 engagements.

Followed by a tweet informing the residents about a different food distribution. It received

- 252 impressions
- 24 engagements.

Twitter also gained 13 followers.

Human Resources

Recruiting

We are in the process of interviewing and reviewing resumes for several vacancies, and hope to have all positions filled as soon as possible.

Wellness

On Friday, October 2nd, we launched an employee Walktober Challenge. Employees who are participating received pedometers provided through wellness funds from Cigna to track their daily steps. Every Friday, participating employees submit their weekly step count to HR to be entered into a drawing at the end of the challenge. We are thrilled by the number of employees participating and taking wellness seriously.

We are excited to announce beginning Monday, October 26th through Friday, October 30th, we will host a Virtual Employee Health and Wellness Week. Most activities will be done virtually except for the on-site flu shot/wellness screening clinic. Please see the flyer in the Council Packet for additional details.

Finance and Accounting

Attached is the Monthly Budget Report: FY 2021 September 2020.

CITY OF NEW CARROLLTON, MARYLAND
FOR MONTH AND YTD ENDING SEPTEMBER 30, 2020

	ACTUAL SEPT 19	ACTUAL JUL 19-SEPT 19	ACTUAL FY 20	Percent of full yr pd thru YTD		ACTUAL SEPT 20	ACTUAL JUL 20 - SEPT 20	AMENDED BUDGET FY 21	Percent of budget pd thru YTD		Actual FY 21-20 fav/(unfav)
STATEMENT OF REVENUES AND EXPENDITURES											
REVENUES											
Tax revenues	229,369	683,011	7,926,340	9%		581,587	949,700	8,430,682	11%		266,689
County revenues	(8,367)	-	89,975	0%		-	-	123,468	0%		-
Other revenues	26,346	757,498	3,317,762	23%		170,036	607,779	4,390,176	14%		(149,719)
TOTAL REVENUES	247,348	1,440,509	11,334,077	13%		751,623	1,557,479	12,944,326	12%		116,970
Reserves and appropriations						-	-	150,000			
TOTAL REVENUES AND RESERVES	247,348	1,440,509	11,334,077	13%		751,623	1,557,479	13,094,326	12%		116,970
EXPENDITURES											
Personnel - General Government	77,904	251,415	1,122,771	22%		77,452	267,235	1,357,070	20%		(15,820)
Personnel - Public Safety	220,306	680,710	3,294,253	21%		455,770	992,213	3,638,900	27%		(311,503)
Personnel - Public Works	164,909	516,985	2,247,457	23%		228,836	562,335	2,643,855	21%		(45,350)
TOTAL PERSONNEL	463,119	1,449,110	6,664,481	22%		762,058	1,821,783	7,639,825	24%		(372,673)
Operations - General Government	(33,577)	158,915	680,264	23%		91,495	308,663	1,543,746	20%		(149,748)
Operations - Public Safety	126,937	265,822	921,862	29%		143,027	255,237	795,520	32%		10,585
Operations - Public Works	104,959	224,823	1,123,955	20%		141,339	265,872	1,249,408	21%		(41,049)
TOTAL OPERATIONS	198,319	649,560	2,726,081	24%		375,861	829,772	3,588,674	23%		(180,212)
Capital - General Government	-	-	125,550	0%		10,743	11,068	349,345	3%		(11,068)
Capital - Public Safety	44,651	44,651	258,537	17%		79	206	14,000	1%		44,445
Capital - Public Works	-	-	157,509	0%		-	-	878,219	0%		-
TOTAL CAPITAL	44,651	44,651	541,596	8%		10,822	11,274	1,241,564	1%		33,377
Weinbach scholarship	5,000	5,000	5,000	100%		6,000	6,000	9,000	67%		(1,000)
TOTAL EXPENDITURES	711,089	2,148,321	9,937,158	22%		1,154,741	2,668,829	12,479,063	21%		(520,508)
Reserves and appropriations						-	-	130,000			
TOTAL EXPENDITURES AND RESERVES	711,089	2,148,321	9,937,158	22%		1,154,741	2,668,829	12,609,063	21%		(520,508)
REVENUE OVER EXPENSES BEFORE FINANCING	(463,741)	(707,812)	1,396,919			(403,118)	(1,111,350)	485,263			(403,538)
Net financing costs	27,334	45,962	328,780	14%		28,188	46,818	485,263	10%		(856)
REVENUE OVER EXPENSES AFTER FINANCING	(491,075)	(753,774)	1,068,139			(431,306)	(1,158,168)	-			(404,394)

BENEFITS ANALYSIS

	ACTUAL JUL 19-SEPT 19 YTD	PCT OF WAGES	FULL YEAR ACTUAL FY 20	PCT OF WAGES	ACTUAL JUL 20 - SEPT 20	PCT. OF WAGES
Detail of Personnel Costs:						
Wages	1,142,130		4,769,656		1,189,366	
FICA	84,481	7.40%	352,840	7.40%	90,064	7.57%
Health & Life Insurance	214,104	18.75%	928,518	19.47%	215,316	18.10%
Employee Assistance Program	6,207	0.54%	6,657	0.14%	5,929	0.50%
Workmans' Comp & Unemployment	-	0.00%	254,767	5.34%	320,642	26.96%
Retirement & Pension	-	0.00%	344,532	7.22%	-	0.00%
TOTAL BENEFITS	304,792	26.69%	1,887,314	39.57%	631,951	53.13%
TOTAL PAYROLL AND BENEFITS	1,446,922		6,656,970		1,821,317	

CASH AND INVESTMENTS SUMMARY

	SEPT 19	SEPT 20
Cash Balance:		
TD Bank General	427,018	159,267
TD Bank Payroll	369,776	174,914
Suntrust Speed Camera	453,892	637,066
Petty Cash	500	500
TD Bank Money Market	236,833	238,229
TD General Investments	1,159,207	1,264,010
PNC MD Pool General	5,851,626	6,747,506
PNC MD Pool Cable TV	764,151	772,806
PNC MD Pool Weinbach Scholarship	41,182	41,651
TOTAL CASH	9,304,185	10,035,948
Fidelity CD's	3,208,969	3,299,105
TOTAL CASH & INVESTMENT	12,513,155	13,335,053



2020 Virtual Wellness Week

Monday, October 26-Friday October 30, 2020

Mental Health Monday

Mental Health Webinar presented by Connect Care 3 @ 1:00 PM.

Trivia Tuesday

Virtual wellness trivia competition @ 2:00 PM. Prizes for top participants.

Wellness Wednesday

Flu Vaccines and **Wellness Screenings** in the Municipal Center Multipurpose room from 10 am – 2 pm. You **must** register in advance to be seen.

Tasty Thursday

Build a Better Salad webinar with Nutritionist Leslie Jefferson @ 12:00 PM.

Financially Fit Friday

Steps to Financial Freedom webinar presented by SECU @ 11:00 AM.

Health Assessment Campaign will run from

Oct.14th – Nov.11th

Employees can complete **FREE** Health Assessments online at www.mycigna.com. Employees who complete the Health Assessment **AND** a Wellness Screening will be entered into a drawing to win one of the following prizes:

- \$50 Visa Gift Card
- \$100 Visa Gift Card
- GRAND PRIZE – \$250 Visa Gift Card

To schedule a flu vaccination, wellness screening, or to participate in the wellness trivia please email Joel Nichols at jnichols@newcarrolltonmd.gov , Daisy Vivar at dvivar@newcarrolltonpd.com , or Erica Stevens at estevens@newcarrolltonmd.gov.



CITY OF NEW CARROLLTON
DEPARTMENT OF PUBLIC WORKS
6318 WESTBROOK DRIVE • NEW CARROLLTON, MARYLAND 20784
(O) 301.577.1008 (F) 301.577.6953

To: Mayor and Council
Subject: Public Works Report
Date: October 14, 2020

Clean Water Partnership - Work along Carrollton Parkway has transitioned into phase two. The “NO PARKING” signs will be posted for the next phase (Fairbanks St. - Quentin St.). Trees will be planted along the branch later in the project.

Leaf Collection - We are currently mobilizing and preparing our leaf collection trucks and vacuums in preparation of the fall leaf collection to begin November 9th. Signs will be posted at main intersections in the collection area prior to service. Public Works would like to ask Residents not to park against large piles of leaves.

Snow Removal - The City’s salt dome is full and our snow plows and spreaders are currently being serviced and will be outfitted during the month of November. The City has 6 pick-ups, 3 dump trucks, 2 back hoe’s available for snow removal.

Statistics for the month of September:

Senior Van Service - 62 Calls for service

Bulk pick-up - 510

Sump Discharge - 2

Trees Trimmed - 161

Trees Removed - 9

Vehicles In For Service - 16


Andre Triplett
Director of Public Works



CITY OF NEW CARROLLTON

6016 PRINCESS GARDEN PARKWAY • NEW CARROLLTON, MARYLAND 20784-2898
Phone (301) 459-6100 Fax (301) 459-8172

MEMORANDUM

TO: City Council of New Carrollton
FROM: David G. Rice, Chief of Police
DATE: October 15, 2020
RE: Proclamation – National Red Ribbon Week (October 23 – October 31, 2020)

The New Carrollton Police Department requests that the City Council proclaim October 23 – October 31, 2020, as National Red Ribbon Week in the City of New Carrollton.

Red Ribbon Week was started after the death of Drug Enforcement Administration (DEA) Special Agent Enrique “Kiki” Camarena, who in 1985 was brutally tortured and murdered by drug traffickers he was investigating in Mexico. As a tribute to SA Camarena, high school friend, Henry Lozano and Congressman Duncan Hunter created “Camarena Clubs” and the wearing of a red ribbon to show their oppositions to drugs. In 1988, the National Family Partnership coordinated the first National Red Ribbon Week with President and Mrs. Reagan serving as honorary Chairpersons. Since then, the Red Ribbon campaign has taken on national significance, and NFP continues to coordinate the campaign for families, schools and communities across the nation each year. Wearing red ribbons during the month of October continues to represent our pledge to live drug-free and honors the sacrifice of all who have lost their lives in the fight against drugs. Celebrating Red Ribbon Week raises awareness of living a drug-free life. The theme for Red Ribbon Week 2020 is ‘Be Happy, Be Brave, Be Drug Free.’”

The proposed proclamation would be presented for adoption at the Council Legislative Meeting scheduled for Wednesday, October 21, 2020.



CITY OF NEW CARROLLTON
National Red Ribbon Week (October 23 – October 31, 2020)
Proclamation

WHEREAS, the New Carrollton Police Department is the local sponsor of Red Ribbon Week in New Carrollton, Maryland and local government agencies, churches, and public schools are actively participating in Red Ribbon Week activities; and

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and the people who traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the City of New Carrollton Police to foster a healthy, drug-free lifestyle; and

WHEREAS, government and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as the symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and education efforts; and

WHEREAS, October 23 – October 31, 2020, has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of New Carrollton, Maryland that the week of October 23 – October 31, 2020, be known as ***National Red Ribbon Week*** in New Carrollton, Maryland.

BE IT FURTHER PROCLAIMED that all citizens are urged to join Mayor Phelecia E. Nembhard, in this special observance now and throughout the year.

IN WITNESS THEREOF, we have hereunto set our hand and caused the Seal of the City of New Carrollton affixed this Twenty-First Day of October.

Phelecia E. Nembhard, Mayor

Sarah Potter Robbins, Mayor Pro-Tem

Lincoln H.G. Lashley, Chair

Stephen L. John, Vice Chair

Allyne Hooks, Alternate Treasurer

Cynthia DB Mills, Councilmember

DATE: _____

ATTEST:

[SEAL]

Douglass A. Barber, MMC
City Clerk



CITY OF NEW CARROLLTON

6016 PRINCESS GARDEN PARKWAY • NEW CARROLLTON, MARYLAND 20784-2898
Phone (301) 459-6100 Fax (301) 459-8172

MEMORANDUM

TO: The City Council of New Carrollton
FROM: Doug Barber, City Clerk
DATE: October 15, 2020
RE: Resolution 21-02 Creating a Community Relations Committee

Resolution 21-02, a Resolution creating a Community Relations Committee in the City of New Carrollton, has been prepared for the Council's consideration. Upon receiving input from the Council on the proposed resolution it will be presented to the Council at the Council Legislative Meeting scheduled for Wednesday, October 21, 2020, for formal adoption.



Resolution 21-02
Creating a Community Relations Committee

Effective: October 21, 2020

**A RESOLUTION
OF THE CITY COUNCIL OF NEW CARROLLTON
CREATING A COMMUNITY RELATIONS COMMITTEE**

WHEREAS, the Charter of the City of New Carrollton, § C-3 “Government of the City” allows for the creation of a committee; and

WHEREAS, the City Council desires to create a Community Relations Committee to advise the City about City residents’ special life events and assist the City in recognizing these events; and

WHEREAS the City Council has reviewed the proposed Community Relations Committee prepared committee guidelines for the City Council’s consideration, which are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of New Carrollton, that a Community Relations Committee is hereby created.

ADOPTED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON THIS 21st DAY OF OCTOBER 2020.

[SEAL]

Lincoln H.G. Lashley, Chair
City Council

ATTEST:

APPROVED:

Douglass A. Barber, MMC, City Clerk

Phelecia E. Nembhard, Mayor

Date: _____

City of New Carrollton Community Relations Committee

Purpose: The City of New Carrollton Community Relations/Outreach Committee shall advise the City about City residents' special life events and assist the City in recognizing these events.

Methods of Outreach: The Committee will use a variety of ways to perform outreach efforts in the City to learn of residents' special life events, to include but not be limited to publications in City newsletters, eNewsletters, website and social media, where appropriate.

Types of Special Life Events to be Recognized:

The Committee will assist the City in recognizing the following types of special life events:

- a. Milestone Birthdays (70, 75, 80, 85, 90, 95, 100)
- b. Milestone Wedding Anniversaries (40, 50, 60, 70)
- c. Milestone Educational Events (High School and College graduation, Doctorate)
- d. Military person returning home from a tour of active duty
- e. Longevity of City employees and promotions of City employees

Composition of the Committee: The Committee will consist of 5 members. Members shall be volunteers and will not be paid.

Committee Responsibilities:

- The Committee will meet twice a month (on a day and time determined by the Committee members). The Committee shall discuss new ideas, comments, opinions and perspectives for its operations.
- The Committee will acquire resident information (name, mailing address, date of events) from a reliable source. The Committee shall also obtain permission to publish the information.
- The Committee will coordinate with the Mayor and City Council a quarterly meeting for the signing of outgoing congratulatory material. The Committee will strive to send materials the first week of the month of an event.

- Members will be provided a meeting agenda and committee materials in advance of the meeting to be prepared for discussion/comment.
- A Staff Liaison will be assigned to the Committee.



CITY OF NEW CARROLLTON

6016 PRINCESS GARDEN PARKWAY • NEW CARROLLTON, MARYLAND 20784-2898
Phone (301) 459-6100 Fax (301) 459-8172

MEMORANDUM

TO: The City Council of New Carrollton
FROM: Doug Barber, City Clerk
DATE: October 16, 2020
RE: Resolution 21-03 Creating a Community Outreach Committee

Resolution 21-03, a Resolution creating a Community Outreach Committee in the City of New Carrollton, has been prepared for the Council's consideration. Upon receiving input from the Council on the proposed resolution it will be presented to the Council at the Council Legislative Meeting scheduled for Wednesday, October 21, 2020, for formal adoption.



Resolution 21-03
Creating a Community Outreach Committee

Effective: October 21, 2020

**A RESOLUTION
OF THE CITY COUNCIL OF NEW CARROLLTON
CREATING A COMMUNITY OUTREACH COMMITTEE**

WHEREAS, the Charter of the City of New Carrollton, § C-3 “Government of the City” allows for the creation of a committee; and

WHEREAS, the City Council desires to create a Community Outreach Committee to engage with residents who are interested in volunteering with the City of New Carrollton; and

WHEREAS the City Council has reviewed the proposed Community Outreach Committee prepared committee guidelines for the City Council’s consideration, which are attached hereto as Exhibit A.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of New Carrollton, that a Community Outreach Committee is hereby created.

ADOPTED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON THIS 21st DAY OF OCTOBER 2020.

[SEAL]

Lincoln H.G. Lashley, Chair
City Council

ATTEST:

APPROVED:

Douglass A. Barber, MMC, City Clerk

Phelecia E. Nembhard, Mayor

Date: _____

City of New Carrollton Community Outreach Committee

Purpose: The City of New Carrollton Community Outreach Committee shall will seek out volunteers from the residents of New Carrollton to assist the City in the volunteer efforts of the City.

Methods of Outreach: The Committee will use a variety of ways to engage and encourage residents to volunteer for the City of New Carrollton. The committee will be promoted in publications in City newsletters, eNewsletters, website and social media, where appropriate.

Committee's Purpose:

Composition of the Committee: The Committee will consist of 5 members. Members shall be volunteers and will not be paid.

Committee Responsibilities:

- The Committee will meet twice a month (on a day and time determined by the Committee members). The Committee shall discuss new ideas, comments, opinions and perspectives for its operations.
- The Committee will acquire resident information (name, mailing address, date of events) from the resident to be collected for a database of volunteers, to track volunteers, and to use for outreach when volunteers are needed. The Committee shall also obtain permission to collect and provide residents information for the use by the City and the committee.
- The Committee will coordinate with the Mayor a quarterly meeting to provide updates on the committee's work and outreach.
- Members will be provided a meeting agenda and committee materials in advance of the meeting to be prepared for discussion/comment.
- A Staff Liaison will be assigned to the Committee.



CITY OF NEW CARROLLTON

MEMORANDUM

TO: City Council of New Carrollton
CC: Phelecia Nembhard, Mayor
FROM: Karen Ruff, City Administrative Officer
DATE: October 16, 2020
RE: Ordinance Amending City Code, Chapter 23 "Personnel Policies" to Add a Labor Code (as Article II of Chapter 23)

The City Council adopted Charter Amendment Resolution 20-04 amending City Charter, Sec. C-3.D 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. The Charter Amendment became effective on October 8, 2020. The Charter Amendment also authorizes the City Council to enact by ordinance a system of rules and regulations to govern the collective bargaining process. Attached is an ordinance that establishes a system of rules and regulations to govern collective bargaining as authorized by the City Charter.



Ordinance 21-02
Chapter 23 Personnel Policies
The Code of the City of New Carrollton

Effective: 2020

**AN ORDINANCE OF THE CITY COUNCIL OF NEW CARROLLTON
 AMENDING CITY CODE, CHAPTER 23 “PERSONNEL POLICIES” TO RENAME
 THE CHAPTER “PERSONNEL”, AND TO ADD A LABOR CODE, RESULTING IN
 THE CREATION OF AN ARTICLE I “GENERAL” FOR THE EXISTING
 PROVISIONS OF CHAPTER 23, THE RESERVATION OF CERTAIN SECTIONS,
 AND THE CREATION OF ARTICLE II “LABOR CODE”**

WHEREAS, City Code, Chapter 23 “Personnel Policies” establishes a system of personnel administration governing the appointment, promotion, transfer, layoff, removal, discipline and welfare of City employees, known as the Personnel Ordinance; and

WHEREAS, the City Council of New Carrollton recently adopted Charter Amendment Resolution 20-04 amending City Charter, §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 officer of the City of New Carrollton Police Department; and

WHEREAS, Charter Amendment Resolution 20-04 became effective October 8, 2020; and

WHEREAS, pursuant to the authority granted to the City Council in City Charter, §C-3.D vi Charter Amendment Resolution 20-04, the City Council desires to enact this ordinance establishing a system of rules and regulations to govern the collective bargaining process.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of New Carrollton that Chapter 23 “Personnel Policies,” of the City Code is hereby amended to read as follows:

Chapter 23 Personnel [Policies]

ARTICLE I. GENERAL

§23-1 Purpose

§23-2 Citation

§23-3 Authority

§23-4 Delegation of authority

§23-5 Scope

§23-6 Personnel Policies

§23-7 THROUGH §23-9 (RESERVED)

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ARTICLE II. LABOR CODE

§23-10 LEGISLATIVE FINDINGS AND PURPOSE

§23-11 DEFINITIONS

§23-12 LABOR COMMISSIONER

§23-13 EMPLOYEE RIGHTS

§23-14 EMPLOYER RIGHTS

§23-15 COLLECTIVE BARGAINING

§23-16 REPRESENTATION

§23-17 UNFAIR LABOR PRACTICES

§23-18 NO STRIKE/NO LOCKOUT

§23-19 CHECK OFF

§23-20 PERMISSIBLE UNION ACTIVITIES

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§23-21 GRIEVANCE PROCEDURE

§23-22 IMPASSE IN COLLECTIVE BARGAINING

§23-10 LEGISLATIVE FINDINGS AND PURPOSE.

- (A) ***TITLE OF ARTICLE.*** THIS ARTICLE SHALL HEREIN BE REFERRED TO AS THE LABOR CODE OF THE CITY OF NEW CARROLLTON, MARYLAND, OR "LABOR CODE."
- (B) ***LEGISLATIVE FINDINGS.*** IT IS THE PUBLIC POLICY OF THE MAYOR AND CITY COUNCIL AND THE PURPOSE OF THIS LABOR CODE TO PROMOTE A FAIR, HARMONIOUS, PEACEFUL AND COOPERATIVE RELATIONSHIP BETWEEN THE MANAGEMENT OF THE CITY AND THOSE EMPLOYEES OF THE CITY POLICE DEPARTMENT WHO ARE COVERED BY THIS LABOR CODE AND TO SAFEGUARD THE PUBLIC BY ASSURING THE RESPONSIVE, ORDERLY, EFFICIENT AND CONTINUOUS OPERATION OF THE DEPARTMENT.
- (C) ***PURPOSE.*** PURSUANT TO THE AUTHORITY SET FORTH IN THE CHARTER OF THE CITY OF NEW CARROLLTON, WHICH AUTHORIZES THE MAYOR AND CITY COUNCIL TO ENACT BY ORDINANCE OR AMENDMENT A SYSTEM OF RULES AND REGULATIONS TO GOVERN THE PROCESS, THE MAYOR AND CITY COUNCIL ENACT THIS ARTICLE FOR THE FOLLOWING PURPOSES:
- (1) TO PROVIDE PROCEDURES FOR NON-MANAGERIAL SWORN POLICE OFFICERS HOLDING THE RANK OF SERGEANT OR BELOW TO PARTICIPATE IN THE FORMULATION AND IMPLEMENTATION OF POLICIES ESTABLISHING OR AFFECTING THEIR CONDITIONS OF EMPLOYMENT;
 - (2) TO RECOGNIZE THE RIGHT OF SAID EMPLOYEES TO ORGANIZE FOR THE PURPOSE OF COLLECTIVE BARGAINING;
 - (3) TO PROVIDE A MEANS BY WHICH SAID EMPLOYEES MAY SELECT A COLLECTIVE BARGAINING REPRESENTATIVE;
 - (4) TO REQUIRE THE CITY'S ADMINISTRATIVE OFFICER OR HIS OR HER DESIGNEE TO MEET AND CONFER WITH THE COLLECTIVE BARGAINING REPRESENTATIVE(S) OF SAID EMPLOYEES AND TO NEGOTIATE AND ENTER INTO WRITTEN AGREEMENTS ON CERTAIN MATTERS OF WAGES, HOURS AND OTHER TERMS AND CONDITIONS OF

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EMPLOYMENT, SUBJECT TO RATIFICATION BY THE EMPLOYEES IN THE BARGAINING UNIT AND THE MAYOR AND CITY COUNCIL; AND
 (5) TO ESTABLISH A METHOD OF DISPUTE RESOLUTION.

SEC. 23-11. - DEFINITIONS.

FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

BARGAINING UNIT. ALL SWORN POLICE OFFICERS OF THE CITY ASSIGNED TO THE CITY POLICE DEPARTMENT HOLDING THE RANK OF SERGEANT OR BELOW, EXCLUDING MANAGERIAL EMPLOYEES AND CONFIDENTIAL EMPLOYEES.

CONFIDENTIAL EMPLOYEE. ANY SWORN POLICE OFFICERS WHO HOLD THE RANK OF SERGEANT OR BELOW WHO ASSIST IN A CONFIDENTIAL CAPACITY; PERSONS WHO FORMULATE, DETERMINE AND EFFECTUATE MANAGEMENT POLICIES IN THE FIELD OF PERSONNEL AND LABOR RELATIONS.

EMPLOYEE. A PERSON EMPLOYED BY THE CITY POLICE DEPARTMENT WHO IS CLASSIFIED AS A POLICE OFFICER, WHO HAS COMPLETED THE INITIAL ENTRANCE TRAINING FOR CERTIFICATION AS A SWORN POLICE OFFICER, AND HOLDS THE RANK OF SERGEANT OR BELOW. THIS DEFINITION AND THIS LABOR CODE SHALL IN NO WAY SERVE TO MODIFY ANY PERSONNEL POLICY OF THE CITY RELATIVE TO PROBATIONARY PERIOD OR THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS.

EMPLOYEE ORGANIZATION. ANY LAWFUL ORGANIZATION THAT ADMITS SWORN POLICE OFFICERS TO MEMBERSHIP, THE PRIMARY PURPOSE OF WHICH IS TO REPRESENT SWORN POLICE OFFICERS CONCERNING WAGES, TERMS AND CONDITIONS OF EMPLOYMENT, PROVIDED THAT THE TERM "EMPLOYEE ORGANIZATION" SHALL NOT BE DEFINED TO INCLUDE ANY ORGANIZATION THAT DISCRIMINATES ON THE BASIS OF RACE, COLOR, SEX, CREED OR NATIONAL ORIGIN, WITH REGARD TO THE ACQUISITION OR RETENTION OF MEMBERSHIP OR IN ACCEPTING OR ADVANCING MEMBERS IN ANY TRAINING, APPRENTICESHIP OR EMPLOYMENT PROGRAM.

EMPLOYER. THE MAYOR AND CITY COUNCIL OF NEW CARROLLTON, MARYLAND.

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GRIEVANCE. A DISPUTE CONCERNING THE APPLICATION OR INTERPRETATION OF THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYEE ORGANIZATION AND THE EMPLOYER.

LABOR BOARD. THE LABOR BOARD SHALL CONSIST OF THE CITY ADMINISTRATIVE OFFICER AND ASSISTANT ADMINISTRATIVE OFFICER, THE HUMAN RESOURCES OFFICER, AND A REPRESENTATIVE OF THE BARGAINING UNIT WHO IS NOT PART OF THE COLLECTIVE BARGAINING PROCESS, APPOINTED BY THE MAYOR FROM A LIST OF NOMINEES SUBMITTED BY THE POLICE CHIEF.

LOCKOUT. A LOCKOUT IS A TEMPORARY WORK STOPPAGE OR DENIAL OF EMPLOYMENT DURING A LABOR DISPUTE INITIATED BY THE CITY.

MANAGERIAL EMPLOYEE. AN EMPLOYEE OF THE CITY ASSIGNED TO THE CITY POLICE DEPARTMENT WHO HAS THE AUTHORITY TO EXERCISE INDEPENDENT JUDGMENT IN THE INTEREST OF THE EMPLOYER TO RECOMMEND THE HIRE, TRANSFER, SUSPEND, LAYOFF, RECALL, AND TO PROMOTE OTHER EMPLOYEES; WHO HAS THE RESPONSIBILITY TO DIRECT THEM OR ADJUST THEIR GRIEVANCES, OR EFFECTIVELY TO RECOMMEND SUCH ACTION; IF, IN CONNECTION WITH THE FOREGOING, THE EXERCISE OF SUCH AUTHORITY IS NOT OF A ROUTINE OR CLERICAL NATURE BUT REQUIRES THE USE OF INDEPENDENT JUDGMENT, INCLUDING, BUT NOT LIMITED TO, THOSE EMPLOYEES WHO ARE SWORN POLICE OFFICERS OF THE RANK OF LIEUTENANT OR HIGHER, BUT NOT INCLUDING THOSE EMPLOYEES WHO ARE SWORN POLICE OFFICERS OF THE RANK OF SERGEANT OR LOWER.

STRIKE. THE FAILURE TO REPORT FOR DUTY, THE STOPPAGE OR SLOWDOWN OF WORK, OR THE ABSTINENCE IN WHOLE OR IN PART FROM THE FULL, FAITHFUL AND PROPER PERFORMANCE OF THE DUTIES OF EMPLOYMENT FOR THE PURPOSE OF INDUCING, INFLUENCING, COERCING OR PREVENTING A CHANGE IN COMPENSATION OR RIGHTS, PRIVILEGES, OBLIGATIONS OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT, WHETHER BY CONCERTED OR INDIVIDUAL ACTION.

TERMS AND CONDITIONS OF EMPLOYMENT. ALL WAGES, BENEFITS AND OTHER MATTERS RELATING TO THE EMPLOYMENT OF EMPLOYEES IN THE BARGAINING UNIT, INCLUDING, BUT NOT LIMITED TO, HOLIDAYS, RETIREMENT, MEDICAL BENEFITS AND COVERAGE, SICK LEAVE, PAID AND UNPAID LEAVE, MILITARY LEAVE, OVERTIME, ALLOWANCES, EQUIPMENT, AND TRAINING.

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SEC. 23-12 - LABOR COMMISSIONER.

- (A) THERE SHALL BE A LABOR COMMISSIONER WHO SHALL EXERCISE THE AUTHORITY AND PERFORM THE FUNCTIONS ASSIGNED PURSUANT TO THIS LABOR CODE. THE LABOR COMMISSIONER SHALL BE APPOINTED BY THE MAYOR IN CONSULTATION WITH THE BARGAINING UNIT, AND SHALL BE CONFIRMED BY THE CITY COUNCIL. THE LABOR COMMISSIONER MAY BE COMPENSATED BY THE CITY.
- (B) THE LABOR COMMISSIONER SHALL BE APPOINTED FOR SPECIFIC MATTERS AS THEY ARISE UNDER THIS CODE. THE LABOR COMMISSIONER CAN BE SELECTED FROM THE NEW CARROLLTON COMMUNITY, PRINCE GEORGE'S COUNTY OR FROM A LIST OF INDIVIDUALS SUPPLIED BY THE AMERICAN ARBITRATION ASSOCIATION IN RESPONSE TO A JOINT LETTER FROM THE CITY AND THE EXCLUSIVE REPRESENTATIVE. THE SELECTED INDIVIDUAL AND THE LIST SHALL BE COMPRISED OF INDIVIDUALS WITH PRIOR WORK EXPERIENCE IN LABOR LAW AND LABOR RELATIONS MATTERS WHO RESIDE IN MARYLAND, THE DISTRICT OF COLUMBIA OR VIRGINIA. THE CITY AND THE EXCLUSIVE REPRESENTATIVE SHALL CONFER WITHIN TEN (10) DAYS OF RECEIPT OF THE LIST; IF THEY ARE UNABLE TO AGREE ON AN INDIVIDUAL, THEY SHALL ALTERNATELY STRIKE NAMES FROM THE LIST UNTIL ONE (1) PERSON REMAINS, AND THAT PERSON SHALL SERVE AS LABOR COMMISSIONER FOR THE SPECIFIC MATTER. THE COSTS OF THE LABOR COMMISSIONER SHALL BE PAID BY THE CITY. THE LABOR COMMISSIONER SHALL NOT SERVE IN ANY OTHER APPOINTED CITY POSITION NOR SHALL THE LABOR COMMISSIONER BE EMPLOYED BY THE CITY.
- (C) THE LABOR COMMISSIONER APPOINTED FOR A SPECIFIC MATTER SHALL HAVE THE FOLLOWING AUTHORITY WITH RESPECT TO THAT MATTER:
- (1) *ADMINISTRATION.*
- A. THE LABOR COMMISSIONER SHALL BE CHARGED WITH THE INTERPRETATION OF THE LABOR CODE AND SHALL BE FURTHER AUTHORIZED TO MAKE ANY RULES AND REGULATIONS AS MAY BE NECESSARY OR PROPER TO EFFECTUATE THE PURPOSES AND INTENT OF THE LABOR CODE.
- B. THE LABOR COMMISSIONER MAY APPOINT A REPRESENTATIVE OR REPRESENTATIVES TO PERFORM INVESTIGATIVE, ADMINISTRATIVE, MINISTERIAL, PROCEDURAL OR OTHER TASKS ASSOCIATED WITH THE DUTIES ASSIGNED PURSUANT TO THIS SECTION, AS APPROVED BY THE MAYOR.

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(2) **REPRESENTATION.**

- A. TO GRANT AND REVOKE CERTIFICATION PER THE PROVISIONS OF SECTION 24-7 OF ANY EMPLOYEE ORGANIZATION AS THE EXCLUSIVE BARGAINING REPRESENTATIVE OF EMPLOYEES IN THE BARGAINING UNIT;
- B. TO SUPERVISE THE CONDUCT OF REPRESENTATION ELECTIONS; AND
- C. TO DETERMINE THE APPROPRIATENESS OF THE EMPLOYEE ORGANIZATIONS.

(3) **UNFAIR LABOR PRACTICES. INVESTIGATION AND ADJUDICATION OF UNFAIR LABOR PRACTICE CHARGES AND DETERMINATION OF REMEDIES FOR UNFAIR LABOR PRACTICES IN ACCORDANCE WITH THE PROCEDURES AND INTENT OF THIS LABOR CODE.**

- (D) DECISIONS OF THE LABOR COMMISSIONER SHALL BE IN WRITING. ANY PARTY AGGRIEVED BY A DECISION OF THE LABOR COMMISSIONER MAY FILE AN APPEAL TO THE LABOR BOARD WITHIN THIRTY (30) DAYS OF THE ISSUANCE OF THE LABOR COMMISSIONER'S DECISION. THE DECISION OF THE LABOR BOARD SHALL BE FINAL, SUBJECT ONLY TO JUDICIAL REVIEW. IN THE EVENT THAT THERE SHALL BE A TIE VOTE, THEN THE DECISION OF THE LABOR COMMISSIONER SHALL BE UPHELD.

SEC. 23-13. - EMPLOYEE RIGHTS.

- (A) EMPLOYEES SHALL HAVE THE RIGHT OF SELF-ORGANIZATION; TO FORM, JOIN, OR ASSIST EMPLOYEE ORGANIZATIONS; AND TO BARGAIN COLLECTIVELY THROUGH REPRESENTATIVES OF THEIR OWN CHOOSING ON TERMS AND CONDITIONS OF EMPLOYMENT. EMPLOYEES SHALL ALSO HAVE THE RIGHT TO REFRAIN FROM ANY OR ALL SUCH ACTIVITIES.
- (B) EMPLOYEES SHALL BE FREE FROM RETALIATION FOR THE EXERCISE OF ANY RIGHTS SET FORTH HEREIN, OR FOR PARTICIPATING IN ANY PROCEEDING ESTABLISHED PURSUANT TO THIS LABOR CODE.
- (C) NOTHING IN THIS LABOR CODE SHALL PROHIBIT AN EMPLOYEE FROM PRESENTING, DISCUSSING OR RESOLVING ANY GRIEVANCE DIRECTLY WITH THE EMPLOYER PER ESTABLISHED CITY POLICY AND WITHOUT THE INTERVENTION OF THE EMPLOYEE ORGANIZATION THAT REPRESENTS THE BARGAINING UNIT, PROVIDED THAT ANY ADJUSTMENT OF THE GRIEVANCE MADE SHALL NOT BE INCONSISTENT WITH THE TERMS OF

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ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT. EMPLOYEES CHOOSING THIS PATH SHOULD NOT BE ABLE TO UTILIZE ANY OTHER GRIEVANCE PROCEDURE CONTAINED HEREIN.

SEC. 23-14. - EMPLOYER RIGHTS.

(A) THE EMPLOYER SHALL HAVE THE FOLLOWING RIGHTS:

- (1) TO DETERMINE THE BUDGET OF THE CITY AND THE CITY POLICE DEPARTMENT, INCLUDING ALL FINANCIAL OBLIGATIONS AND EXPENDITURES, AND TO EXERCISE ITS TAXING AUTHORITY AS PROVIDED FOR BY THE CITY CHARTER;**
- (2) TO DETERMINE THE WAYS AND MEANS TO ALLOCATE FUNDS TO ITS VARIOUS DEPARTMENTS AND PROJECTS;**
- (3) TO ESTABLISH METHODS AND PROCEDURES FOR FULFILLING ITS MISSION;**
- (4) TO DETERMINE HOW AND WHEN TO DEPLOY ITS PERSONNEL;**
- (5) TO ESTABLISH, SUSPEND, RELOCATE OR DISCONTINUE OPERATIONS, FACILITIES, STATIONS, OPERATIONS, SERVICES AND TO REDUCE PERSONNEL;**
- (6) TO DETERMINE THE WAY PERSONNEL WILL BE USED TO EFFECTUATE THE MISSION TO ENSURE THE PUBLIC SAFETY;**
- (7) TO ADOPT REASONABLE RULES, REGULATIONS, POLICIES AND GENERAL ORDERS PERTAINING TO THE DEPARTMENT'S PURPOSE, OPERATION, TECHNIQUES, EFFICIENCY AND MANAGEMENT WHICH ARE NOT INCONSISTENT WITH THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT, PROVIDED THAT DURING NEGOTIATIONS FOR A COLLECTIVE BARGAINING AGREEMENT, THE EXCLUSIVE REPRESENTATIVE AND THE CITY SHALL HAVE THE RIGHT TO DISCUSS RULES, REGULATIONS, POLICIES AND GENERAL ORDERS;**
- (8) TO DETERMINE STAFFING, INCLUDING, BUT NOT LIMITED TO, THE USE OF FULL AND PART-TIME POLICE OFFICERS, POLICE OFFICER CANDIDATES, CADETS, AUXILIARY, OR RESERVE POLICE, AND THE NUMBER OF SUCH STAFF;**
- (9) TO SUSPEND, DEMOTE, DISCHARGE OR TAKE DISCIPLINARY ACTION AGAINST EMPLOYEES WITH JUST CAUSE AND SUBJECT TO THE**

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PROVISIONS OF THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS OR ANY AMENDMENT OR SUCCESSOR THERETO; AND

- (B) THE EMPLOYER SHALL NOT ENTER INTO OR BECOME BOUND BY ANY COLLECTIVE BARGAINING AGREEMENT PURSUANT TO THIS LABOR CODE THAT CONTAINS TERMS THAT INFRINGE UPON OR LIMIT THE RIGHTS SET FORTH IN THIS SECTION. THE EMPLOYEE RELATIONS BOARD IN DETERMINING A GRIEVANCE UNDER A COLLECTIVE BARGAINING AGREEMENT SHALL NOT HAVE THE AUTHORITY TO ADD TO, ALTER, AMEND, DELETE, MODIFY OR INFRINGE UPON ANY OF THE RIGHTS SET FORTH IN THIS SECTION.**

SEC. 23-15. - COLLECTIVE BARGAINING.

- (A) *BARGAINING IN GOOD FAITH.* UPON CERTIFICATION OF AN EMPLOYEE ORGANIZATION BY THE LABOR COMMISSIONER, THE EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL HAVE THE DUTY, THROUGH OFFICIALS OR THEIR DESIGNATED REPRESENTATIVES, TO NEGOTIATE COLLECTIVELY AND IN GOOD FAITH WITH RESPECT TO THE SUBJECTS OF BARGAINING ENUMERATED IN THIS SECTION AND TO REDUCE TO WRITING THE MATTERS AGREED UPON AS A RESULT OF SUCH NEGOTIATIONS SUBJECT TO THE LIMITATIONS CONTAINED IN SECTION 24-5 (A) AND (B).**
- (B) *EMPLOYER/EMPLOYEE ORGANIZATION REPRESENTATIVE.***
- (1) THE CITY ADMINISTRATIVE OFFICER SHALL APPOINT THE EMPLOYER'S REPRESENTATIVE OR REPRESENTATIVES FOR THE PURPOSE OF CONDUCTING ANY BARGAINING WITH A CERTIFIED EMPLOYEE ORGANIZATION.**
 - (2) THE EMPLOYEE ORGANIZATION SHALL APPOINT A REPRESENTATIVE OR REPRESENTATIVES WHO MAY OR MAY NOT BE PRESIDENT OF THE EMPLOYEE ORGANIZATION FOR THE PURPOSE OF CONDUCTING ANY BARGAINING WITH THE EMPLOYER.**
- (C) *SUBJECTS OF BARGAINING.* THE EMPLOYER AND EMPLOYEE ORGANIZATION MAY BARGAIN COLLECTIVELY AND REACH AGREEMENT ON THE FOLLOWING SUBJECTS OF BARGAINING:**
- (1) WAGES AND OTHER FORMS OF REMUNERATION; AND**
 - (2) TERMS AND CONDITIONS OF EMPLOYMENT AS DEFINED HEREIN; AND**

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- (3) EMPLOYEE BENEFIT PLANS; AND
 - (4) DURATION OF COLLECTIVE BARGAINING AGREEMENT; AND
 - (5) GRIEVANCE RESOLUTION
- (D) *SCOPE OF BARGAINING.* THE EMPLOYER SHALL NOT ENTER INTO, OR BE BOUND BY, ANY COLLECTIVE BARGAINING AGREEMENT, AMENDMENT THERETO OR OTHER AGREEMENT THAT COVERS A SUBJECT OF BARGAINING NOT SPECIFICALLY ENUMERATED IN THIS SECTION, OR WHICH ALTERS, AMENDS, DELETES, MODIFIES OR INFRINGES UPON ANY OF THE EMPLOYER RIGHTS ENUMERATED IN SECTION 24-5.

SEC. 23-16. - REPRESENTATION.

- (A) CERTIFICATION OF REPRESENTATIVE. NO COLLECTIVE BARGAINING AGREEMENT SHALL BE VALID OR ENFORCEABLE UNLESS IT IS BETWEEN THE EMPLOYER AND AN EMPLOYEE ORGANIZATION THAT IS CERTIFIED BY THE LABOR COMMISSIONER AS THE EXCLUSIVE BARGAINING REPRESENTATIVE FOR EMPLOYEES IN THE BARGAINING UNIT.
- (B) EMPLOYEE ORGANIZATION HAS BEEN SELECTED OR DESIGNATED BY A MAJORITY OF EMPLOYEES IN THE BARGAINING UNIT.
- (C) PROCEDURE.
 - (1) *CERTIFICATION ELECTION.* AN EMPLOYEE ORGANIZATION SEEKING EXCLUSIVE BARGAINING REPRESENTATIVE STATUS FOR EMPLOYEES IN THE BARGAINING UNIT SHALL FILE A PETITION WITH THE LABOR COMMISSIONER ACCOMPANIED BY EVIDENCE THAT AT LEAST THIRTY (30) PERCENT OF THE EMPLOYEES IN THE BARGAINING UNIT HAVE DESIGNATED THE EMPLOYEE ORGANIZATION AS THEIR EXCLUSIVE BARGAINING REPRESENTATIVE. A PETITION MAY NOT BE ACCEPTED BY THE LABOR COMMISSIONER UNLESS FILED BY THE EMPLOYEE ORGANIZATION DURING THE MONTH OF SEPTEMBER, PROVIDED, HOWEVER, THAT IN 2020 THE EMPLOYEE ORGANIZATION SHALL HAVE THE RIGHT TO FILE A PETITION ANYTIME UP TO AND INCLUDING JUNE 30, 2021. WITHIN THIRTY (30) DAYS OF FILING A PETITION FOR CERTIFICATION, THE LABOR COMMISSIONER SHALL CONDUCT A SECRET BALLOT ELECTION. IF THE RESULTS OF THE SECRET BALLOT ELECTION ESTABLISH THAT A MAJORITY OF THOSE BARGAINING UNIT EMPLOYEES VOTING IN THE ELECTION DESIGNATE THE PETITIONING EMPLOYEE ORGANIZATION AS THEIR EXCLUSIVE BARGAINING

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REPRESENTATIVE, THEN THE LABOR COMMISSIONER SHALL CERTIFY THE EMPLOYEE ORGANIZATION AS THE EXCLUSIVE BARGAINING REPRESENTATIVE AND SHALL AUTHORIZE THE EMPLOYER TO BARGAIN COLLECTIVELY WITH THE EMPLOYEE ORGANIZATION.

- (2) ***VOLUNTARY RECOGNITION.*** EMPLOYER RESERVES THE RIGHT TO VOLUNTARILY RECOGNIZE AN EMPLOYEE ORGANIZATION AS REPRESENTATIVE OF THE EMPLOYEES SO LONG AS EMPLOYER IS SATISFIED THAT SUCH ORGANIZATION REPRESENTS MORE THAN FIFTY (50) PERCENT OF THE POLICE OFFICERS OF THE RANK OF SERGEANT AND BELOW. EVIDENCE OF SUCH CAN EITHER BE BY PROVISION OF A LETTER FROM THE BARGAINING ORGANIZATION OR CERTIFICATES WITH THE SIGNATURES OF AT LEAST FIFTY-ONE (51) PERCENT OF THE POLICE OFFICERS THAT ARE COVERED BY THIS LABOR CODE.
- (3) ***DECERTIFICATION ELECTION.*** ANY EMPLOYEE SEEKING TO TERMINATE THE CERTIFICATION OF AN EMPLOYEE ORGANIZATION AS THE EXCLUSIVE BARGAINING REPRESENTATIVE OF EMPLOYEES IN THE BARGAINING UNIT MAY FILE A PETITION WITH THE LABOR COMMISSIONER ACCOMPANIED BY EVIDENCE THAT AT LEAST THIRTY (30) PERCENT OF THE EMPLOYEES IN THE BARGAINING UNIT HAVE EXPRESSED THEIR DESIRE TO REMOVE THE EMPLOYEE ORGANIZATION AS THEIR EXCLUSIVE BARGAINING REPRESENTATIVE. A PETITION MAY NOT BE ACCEPTED BY THE LABOR COMMISSIONER UNLESS FILED DURING THE MONTH OF SEPTEMBER. WITHIN THIRTY (30) DAYS OF THE FILING OF A PETITION FOR DECERTIFICATION, THE LABOR COMMISSIONER SHALL CONDUCT A SECRET BALLOT ELECTION. IF THE RESULTS OF THE SECRET BALLOT ELECTION ESTABLISH THAT A MAJORITY OF THOSE EMPLOYEES IN THE BARGAINING UNIT NO LONGER WISH TO HAVE THE EMPLOYEE ORGANIZATION AS THEIR EXCLUSIVE BARGAINING REPRESENTATIVE, THEN THE LABOR COMMISSIONER SHALL DECERTIFY THE EMPLOYEE ORGANIZATION AS THE EXCLUSIVE BARGAINING REPRESENTATIVE OF THE EMPLOYEES IN THE PETITIONED-FOR UNIT.
- (4) NO ELECTION UNDER THIS SECTION MAY BE CONDUCTED MORE FREQUENTLY THAN ONCE EVERY TWENTY-FOUR (24) MONTHS.

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SEC. 23-17.- UNFAIR LABOR PRACTICES.

(A) *EMPLOYER UNFAIR LABOR PRACTICES.* IT SHALL BE AN UNFAIR LABOR PRACTICE FOR THE EMPLOYER BY AND THROUGH ITS OFFICERS, AGENTS AND REPRESENTATIVES TO ENGAGE IN THE FOLLOWING CONDUCT:

- (1) INTERFERE WITH, RESTRAIN OR COERCE EMPLOYEES IN THE EXERCISE OF THEIR RIGHTS GUARANTEED UNDER THIS LABOR CODE;**
- (2) DISCRIMINATE IN REGARD TO HIRE OR TENURE OF EMPLOYMENT OR ANY TERM OR CONDITION OF EMPLOYMENT TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN ANY EMPLOYEE ORGANIZATION;**
- (3) DIRECTLY OR INDIRECTLY CAUSE, INSTIGATE, ENCOURAGE, CONDONE, INITIATE, SPONSOR, SUPPORT, DIRECT OR ENGAGE IN ANY LOCKOUT;**
- (4) FAIL OR REFUSE TO NEGOTIATE IN GOOD FAITH WITH A CERTIFIED EMPLOYEE ORGANIZATION;**
- (5) RETALIATE AGAINST AN EMPLOYEE BECAUSE OF THAT EMPLOYEE'S EXERCISE OF RIGHTS GUARANTEED UNDER THIS LABOR CODE; OR**
- (6) CONTROL OR DOMINATE AN EMPLOYEE ORGANIZATION OR CONTRIBUTE FINANCIAL OR OTHER SUPPORT TO IT.**

(B) *EMPLOYEE ORGANIZATION UNFAIR LABOR PRACTICES.* IT SHALL BE AN UNFAIR LABOR PRACTICE FOR AN EMPLOYEE ORGANIZATION BY AND THROUGH ITS OFFICERS, AGENTS AND REPRESENTATIVES TO ENGAGE IN THE FOLLOWING CONDUCT:

- (1) INTERFERE WITH, RESTRAIN OR COERCE EMPLOYEES IN THE EXERCISE OF THEIR RIGHTS GUARANTEED UNDER THIS LABOR CODE;**
- (2) INDUCE THE EMPLOYER OR ITS REPRESENTATIVES TO COMMIT ANY UNFAIR LABOR PRACTICE OR INTERFERE WITH THE EMPLOYER'S CHOICE OF BARGAINING REPRESENTATIVE;**
- (3) DIRECTLY OR INDIRECTLY, CAUSE, INSTIGATE, ENCOURAGE, CONDONE, INITIATE, SPONSOR, SUPPORT, DIRECT OR ENGAGE IN ANY STRIKE;**
- (4) FAIL OR REFUSE TO NEGOTIATE IN GOOD FAITH WITH THE EMPLOYER; OR**
- (5) RETALIATE AGAINST AN EMPLOYEE BECAUSE OF THAT EMPLOYEE'S EXERCISE OF RIGHTS GUARANTEED UNDER THIS LABOR CODE.**

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(C) *PROCEDURE.*

- (1) ***CHARGE AND EVIDENTIARY HEARING.*** IN THE EVENT THAT A CLAIM IS MADE THAT AN UNFAIR LABOR PRACTICE HAS BEEN COMMITTED BY EITHER THE EMPLOYER OR THE EMPLOYEE ORGANIZATION, THE COMPLAINING PARTY SHALL FILE WITH THE LABOR COMMISSIONER A VERIFIED COMPLAINT SETTING FORTH A DETAILED STATEMENT OF THE ALLEGED UNFAIR LABOR PRACTICE NO LATER THAN THIRTY (30) DAYS AFTER THE DATE OF THE ALLEGED UNFAIR LABOR PRACTICE. THE PARTY COMPLAINED OF SHALL HAVE THE RIGHT TO FILE AN ANSWER TO THE COMPLAINT WITHIN FIVE (5) DAYS AFTER SERVICE THEREOF. AFTER INVESTIGATION, THE LABOR COMMISSIONER MAY ISSUE AN ORDER DISMISSING THE COMPLAINT, ORDER A FURTHER INVESTIGATION, OR SCHEDULE AN EVIDENTIARY HEARING THEREON AT A DESIGNATED TIME AND PLACE. ANY SUCH HEARING SHALL BE CONDUCTED WITHOUT REGARD FOR THE STRICT RULES OF EVIDENCE AND A TRANSCRIPT OF TESTIMONY SHALL BE TAKEN. THE LABOR COMMISSIONER MAY DESIGNATE A NEUTRAL FACT FINDER TO CONDUCT THE HEARING AND ISSUE RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW.
- (2) ***DETERMINATION.*** IF, AT THE CONCLUSION OF ALL TESTIMONY, OR UPON CONSIDERATION OF THE NEUTRAL FACT FINDER'S RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE LABOR COMMISSIONER DETERMINES THAT AN UNFAIR LABOR PRACTICE HAS BEEN COMMITTED, THE LABOR COMMISSIONER SHALL STATE HIS/HER FINDINGS AND SHALL ISSUE AND CAUSE TO BE SERVED UPON THE PARTY COMMITTING THE UNFAIR LABOR PRACTICE AN ORDER REQUIRING THE PARTY TO CEASE AND DESIST FROM SUCH PRACTICE WITHIN A SPECIFIED PERIOD AND SHALL TAKE SUCH FURTHER AFFIRMATIVE ACTION AS WILL COMPLY WITH THE PROVISIONS OF THIS LABOR CODE. IF UPON ALL THE TESTIMONY, THE LABOR COMMISSIONER DETERMINES THAT A PROHIBITED PRACTICE HAS NOT BEEN OR IS NOT BEING COMMITTED; HE/SHE SHALL STATE A FINDING OF FACT AND SHALL ISSUE AN ORDER DISMISSING THE COMPLAINT.
- (3) ***PROCEDURE IN THE EVENT OF A STRIKE OR LOCKOUT.*** NOTHING IN THIS LABOR CODE SHALL PROHIBIT OR IMPEDE THE EMPLOYER OR A CERTIFIED EMPLOYEE ORGANIZATION FROM USING ALL AVAILABLE LAWFUL MEANS TO END A STRIKE OR LOCKOUT, INCLUDING THE INITIATION OF LEGAL PROCEEDINGS TO ENJOIN THE STRIKE OR LOCKOUT.

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- (4) **MEDIATION.** NOTHING IN THIS SECTION SHALL PROHIBIT THE LABOR COMMISSIONER FROM PERSONALLY CONDUCTING MEDIATION TO RESOLVE UNFAIR LABOR PRACTICE ISSUES.

SEC. 23-18. - NO STRIKE/NO LOCKOUT.

- (A) **PURPOSE.** THE SERVICES PERFORMED BY EMPLOYEES ARE ESSENTIAL TO THE PUBLIC SAFETY. ACCORDINGLY, STRIKES AND LOCKOUTS ARE PROHIBITED.
- (B) **NO LOCKOUTS.** THE EMPLOYER SHALL NOT, EITHER DIRECTLY OR INDIRECTLY, CAUSE, INSTIGATE, ENCOURAGE, CONDONE, INITIATE, SPONSOR, SUPPORT, DIRECT OR ENGAGE IN ANY LOCKOUT.
- (C) **NO STRIKE BY EMPLOYEES.** NO EMPLOYEE SHALL EITHER DIRECTLY OR INDIRECTLY, CAUSE, INSTIGATE, ENCOURAGE, CONDONE, INITIATE, SPONSOR, SUPPORT, DIRECT OR ENGAGE IN ANY STRIKE. ANY SUCH CONDUCT BY AN EMPLOYEE SHALL BE SUBJECT TO IMMEDIATE DISCIPLINE IN ACCORDANCE WITH THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND/OR ANY SUCCESSOR THERETO, WITHOUT RECOURSE TO THE GRIEVANCE PROCEDURE CONTAINED IN AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT.
- (D) **NO STRIKE BY EMPLOYEE ORGANIZATION.** NO EMPLOYEE ORGANIZATION SHALL EITHER DIRECTLY OR INDIRECTLY, CAUSE, INSTIGATE, ENCOURAGE, CONDONE, INITIATE, SPONSOR, SUPPORT, DIRECT OR ENGAGE IN ANY STRIKE. IF ANY EMPLOYEE ORGANIZATION VIOLATES THIS PROVISION, ITS CERTIFICATION AS THE EXCLUSIVE REPRESENTATIVE, IF ANY, SHALL BE REVOKED AND THE EMPLOYEE ORGANIZATION SHALL THEREAFTER BE INELIGIBLE TO PARTICIPATE IN PROCEDURES UNDER THIS LABOR CODE TO BECOME AND/OR REMAIN THE EXCLUSIVE REPRESENTATIVE OF EMPLOYEES OF THE EMPLOYER FOR A PERIOD OF NOT LESS THAN THREE (3) YEARS.
- (E) **OTHER REMEDIES.** THE EMPLOYER, EMPLOYEES AND EMPLOYEE ORGANIZATIONS SHALL HAVE THE RIGHT TO PURSUE LEGAL AND EQUITABLE REMEDIES IN THE APPROPRIATE COURTS IN THE EVENT OF A VIOLATION OF THIS SECTION, AT THE EXPENSE OF WHOEVER INITIATES SUCH LEGAL ACTION. THE PREVAILING PARTY MAY SEEK REIMBURSEMENT OF FUNDS EXPENDED FOR ITS CAUSE.

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SEC. 23-19. - CHECK OFF.

- (A) ***DUES CHECK OFF.*** WHEN AN EMPLOYEE ORGANIZATION HAS BEEN CERTIFIED AS THE EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN THE BARGAINING UNIT, IT SHALL BE THE ONLY EMPLOYEE ORGANIZATION ELIGIBLE TO OBTAIN AN AGREEMENT FROM THE EMPLOYER TO DEDUCT DUES OR SERVICE FEES DESIGNATED OR CERTIFIED BY THE APPROPRIATE OFFICER OF THE EMPLOYEE ORGANIZATION FROM THE PAY OF THOSE EMPLOYEES IN THE UNIT WHO PROVIDE WRITTEN, SIGNED AND DATED AUTHORIZATION, AND TO REMIT SAID DUES TO THE EMPLOYEE ORGANIZATION WITHOUT COST, SUBJECT ONLY TO CHECK REISSUE FEES. ALL AUTHORIZATIONS SHALL BE IRREVOCABLE FOR A PERIOD OF ONE (1) YEAR AND SHALL BE AUTOMATICALLY RENEWABLE FROM YEAR TO YEAR UNLESS WRITTEN NOTICE OF TERMINATION BY THE EMPLOYEE IS RECEIVED BY THE EMPLOYER AT ANY TIME AFTER THE FIRST ANNIVERSARY OF THE ORIGINAL AUTHORIZATION.
- (B) ***INDEMNIFICATION.*** THE EMPLOYER SHALL NOT HAVE THE AUTHORITY TO ENTER INTO A COLLECTIVE BARGAINING AGREEMENT THAT AUTHORIZES THE DEDUCTION OF DUES FROM PAY UNLESS THE AGREEMENT CONTAINS A PROVISION WHEREBY THE EMPLOYEE ORGANIZATION AGREES TO INDEMNIFY THE EMPLOYER FOR ANY AND ALL CLAIMS ARISING OUT OF THE DEDUCTION OF DUES AND/OR FEES PURSUANT TO THIS SECTION.
- (C) ***NO COMPULSORY UNION MEMBERSHIP.*** NO AGREEMENT BETWEEN THE EMPLOYER AND AN EMPLOYEE ORGANIZATION SHALL COMPEL ANY EMPLOYEE TO BECOME AND REMAIN A MEMBER OF THE EMPLOYEE ORGANIZATION AND/OR PAY DUES.

SEC. 23-20. - PERMISSIBLE UNION ACTIVITIES.

SOLICITATION OF MEMBERS AND DUES, AND OTHER INTERNAL EMPLOYEE ORGANIZATION BUSINESS SHALL BE CONDUCTED ONLY DURING THE NON-DUTY HOURS OF THE EMPLOYEES CONCERNED. EMPLOYER-REQUESTED OR APPROVED CONSULTATIONS AND MEETINGS BETWEEN MANAGEMENT OFFICIALS AND REPRESENTATIVES OF THE RECOGNIZED EMPLOYEE ORGANIZATION SHALL, WHENEVER PRACTICABLE, BE CONDUCTED ON OFFICIAL TIME. NEGOTIATIONS BETWEEN THE EMPLOYER AND DESIGNATED MEMBERS OF THE EMPLOYEE ORGANIZATION FOR THE

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PURPOSE OF NEGOTIATING A COLLECTIVE BARGAINING AGREEMENT SHALL BE CONDUCTED DURING WORK HOURS.

SEC. 23-21. - GRIEVANCE PROCEDURE.

ALL COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE EMPLOYER AND EMPLOYEE ORGANIZATION SHALL CONTAIN A GRIEVANCE PROCEDURE THAT INCLUDES A PROVISION FOR BINDING DECISION AS TO DISPUTES CONCERNING THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT OR A CLAIMED VIOLATION OF SUCH BY A PROFESSIONAL ARBITRATOR WHO IS A MEMBER OF THE NATIONAL ACADEMY OF ARBITRATORS AND APPOINTED THROUGH THE AMERICAN ARBITRATION ASSOCIATION.

SEC. 23-22. - IMPASSE IN COLLECTIVE BARGAINING.

- (A) *TIMELINE.* (TIMELINE TO BE SET TO ACCOMMODATE BUDGET SCHEDULE). REGARDLESS OF THE DATE UPON WHICH CERTIFICATION IS ISSUED TO THE EMPLOYEE ORGANIZATION, NEGOTIATIONS FOR THE FIRST COLLECTIVE BARGAINING AGREEMENT AND ANY RENEWAL AGREEMENT SHALL COMMENCE BY NO LATER THAN DECEMBER 1 AND BE COMPLETED ON OR BEFORE THE LAST WORK DAY IN FEBRUARY. ANY MEMORANDUM OF UNDERSTANDING REACHED AS A RESULT OF SUCH NEGOTIATIONS SHALL BECOME EFFECTIVE JULY 1 OF THE YEAR FOLLOWING SUCH NEGOTIATIONS. ANY SUCH MEMORANDUM OF UNDERSTANDING SHALL BE PRESENTED TO THE MAYOR AND CITY COUNCIL FOR ITS APPROVAL AT ITS FIRST REGULAR MEETING IN APRIL IN ORDER THAT SUFFICIENT TIME SHALL EXIST TO IMPLEMENT SAME AT THE COMMENCEMENT OF THE NEXT FISCAL YEAR ON JULY 1.**
- (B) *IMPASSE PROCEDURE.* IF AFTER A REASONABLE PERIOD OF NEGOTIATION OVER THE TERMS OF A MEMORANDUM OF UNDERSTANDING A DISPUTE EXISTS BETWEEN THE EMPLOYER AND THE CERTIFIED EMPLOYEE ORGANIZATION, OR IF NO UNDERSTANDING HAS BEEN REACHED WITHIN A REASONABLE PERIOD OF TIME, BUT NOT LATER THAN THE LAST WORK DAY IN FEBRUARY, IT SHALL BE DEEMED THAT AN IMPASSE HAS BEEN REACHED, AT WHICH TIME THE MATTERS IN DISPUTE SHALL BE PRESENTED JOINTLY BY THE PARTIES IN WRITING TO THE MAYOR AND CITY COUNCIL FOR HEARING AND RESOLUTION.**
- (C) *HEARING PROCEDURE.***

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- (1) THE MAYOR AND CITY COUNCIL SHALL HOLD A HEARING ON ALL DISPUTED ISSUES WITHIN THIRTY (30) DAYS OF THE PRESENTATION OF THE DISPUTE, AND IT SHALL ISSUE ITS FINAL DECISION WITHIN THIRTY (30) DAYS OF THE CONCLUSION OF THE HEARING. THE DECISION OF THE MAYOR AND CITY COUNCIL SHALL BE FINAL AND BINDING UPON THE CITY ADMINISTRATIVE OFFICER AND THE EMPLOYEE ORGANIZATION AND SHALL BE RENDERED AT LEAST FORTY (40) DAYS BEFORE THE BEGINNING OF THE FISCAL YEAR. THE DECISION OF THE MAYOR AND CITY COUNCIL SHALL BE IN WRITING AND A COPY SHALL BE SERVED ON THE CITY ADMINISTRATIVE OFFICER AND EMPLOYEE ORGANIZATION AT THE TIME THE MAYOR AND CITY COUNCIL ISSUES A FINAL DECISION.
- (2) THE MAYOR AND CITY COUNCIL SHALL ESTABLISH THE DATE, TIME, AND PLACE OF ALL HEARINGS, ADMINISTER OATHS, ISSUE SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES TO APPEAR, AND ISSUE SUBPOENAS DUCES TECUM TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER TANGIBLE EVIDENCE.
- (3) IN REACHING ITS DECISION, THE MAYOR AND CITY COUNCIL MAY TAKE INTO CONSIDERATION ANY FACTORS IT CONSIDERS SIGNIFICANT TO REACHING THE DETERMINATION, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING FACTORS:
- A. WAGES, BENEFITS AND OTHER WORKING CONDITIONS OF OTHER LOCAL GOVERNMENT EMPLOYEES EMPLOYED IN PUBLIC SAFETY BARGAINING UNITS IN OTHER MUNICIPAL OR COUNTY AGENCIES OF A SIMILAR SIZE AND DEMOGRAPHICS;
 - B. THE VALUE OF OTHER BENEFITS AVAILABLE TO OR RECEIVED BY CITY EMPLOYEES;
 - C. COST-OF-LIVING INFORMATION; OR
 - D. THE AVAILABILITY OF FUNDS.
- (D) *MEDIATION*. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED AS PROHIBITING THE MAYOR AND CITY COUNCIL FROM MEDIATING THE DISPUTE AT ANY TIME PRIOR TO THE ISSUANCE OF ITS FINAL AND BINDING DECISION.

INTRODUCED BY THE CITY COUNCIL OF NEW CARROLLTON, MARYLAND ON THE ___ DAY OF OCTOBER, 2020.

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**ADOPTED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON ON THE __
DAY OF NOVEMBER, 2020.**

EFFECTIVE: _____, 2020

Attest:

City of New Carrollton

Douglass A. Barber, MMC
City Clerk

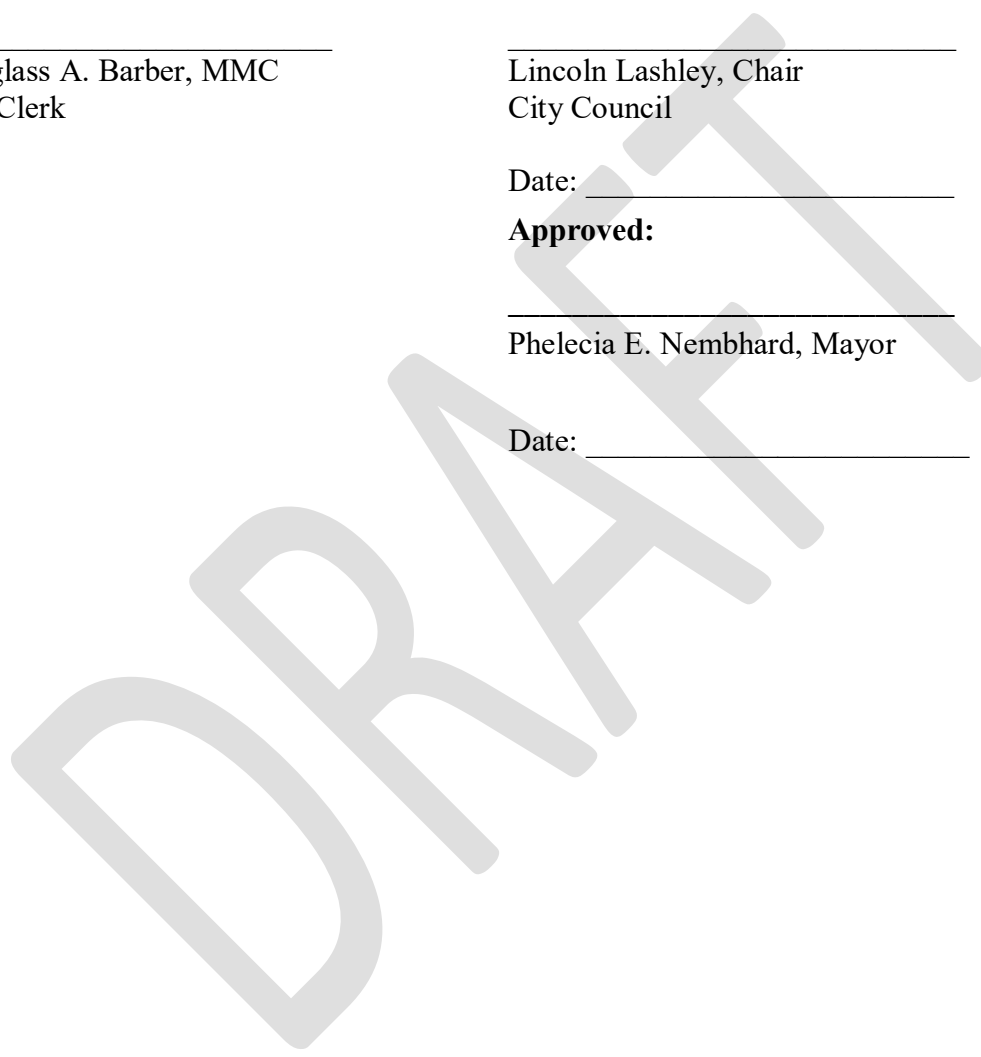
Lincoln Lashley, Chair
City Council

Date: _____

Approved:

Phelecia E. Nembhard, Mayor

Date: _____



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CITY OF NEW CARROLLTON

MEMORANDUM

TO: City Council of New Carrollton
CC: Phelecia Nembhard, Mayor
FROM: Karen Ruff, City Administrative Officer
DATE: October 14, 2020
RE: Resolution 21-04 Amending and Re-authorizing the City of New Carrollton Economic Development Grants Program

At the City Council's October 7, 2020 workshop meeting, the Council approved altering the City's Economic Development Grant Program as follows:

1. To clarify that when faced with competing grant requests, priority is given for physical improvements that result in business retention and commercial revitalization.
2. To establish that during the COVID-19 pandemic and for six months thereafter, grants may be used to pay for relocation expenses for new businesses coming to the City and utility, rent and office/business supply expenses of existing businesses located in the City.
3. To increase the amount of the grant from "up to \$25,000" to "up to \$50,000."

Attached is a Resolution Amending and Re-authorizing the City of New Carrollton Economic Development Grant Program that reflects the above changes.



Resolution 21-04
Amending and Reauthorizing the City of New Carrollton
Economic Development Grant Program

Effective: October , 2020

**A RESOLUTION
 OF THE CITY COUNCIL OF NEW CARROLLTON AMENDING AND
 REAUTHORIZING THE CITY OF NEW CARROLLTON
 ECONOMIC DEVELOPMENT GRANT PROGRAM**

WHEREAS, in 2019, the City of New Carrollton created an Economic Development Grant Program (“Program”) designed to improve the City’s commercial tax base and enhance businesses in the City and the commercial district as a whole; and

WHEREAS, the Program was designed to finance physical improvements to structures that would result in business retention or commercial revitalization, not business operations or to pay or refinance current debt; and

WHEREAS, grants were expected to be in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000); and

WHEREAS, the COVID-19 pandemic has had an impact on businesses and commercial-ly zoned properties in the City, and has hampered the City’s ability to attract new businesses; and

WHEREAS, the City desires to help its businesses and to help attract new businesses by making the following amendments to the Program:

1. Clarify that when faced with competing grant requests, priority is given for physical improvements that result in business retention and commercial revitalization.
2. During the COVID-19 pandemic and for six months thereafter, grants may be used to pay for relocation expenses for new businesses coming to the City and utility, rent and office/business supply expenses of existing businesses located in the City.
3. Increase the amount of the grant from “up to \$25,000” to “up to \$50,000;” and

NOW THEREFORE BE IT RESOLVED by the City Council of New Carrollton that the City of New Carrollton Economic Development Grant Program is hereby amended and reauthorized. The Mayor and Administration are authorized to administer the Program in substantially similar form to that presented to Council and set forth in the attached Exhibit A.

Resolution 21-04
Amending and Re-authorizing the City of New Carrollton
Economic Development Grant Program
Page 2

ADOPTED AND ENACTED BY THE CITY COUNCIL OF NEW CARROLLTON THIS ____
DAY OF OCTOBER, 2020.

Lincoln Lashley, Chair
City Council

[SEAL]

ATTEST:

APPROVED:

Douglass A. Barber, MMC
City Clerk

Phelecia E. Nembhard
Mayor

Date: _____



CITY OF NEW CARROLLTON

6016 PRINCESS GARDEN PARKWAY • NEW CARROLLTON, MARYLAND 20784-2898
Phone (301) 459-6100 Fax (301) 459-8172

EXHIBIT A

City of New Carrollton Economic Development Grants

The City of New Carrollton has dedicated up to \$300,000 to help finance projects and programs that create or retain jobs, improve the City's commercial tax base or otherwise enhance the quality of businesses and the commercial district located in the City. The City desires to empower businesses that want to launch, expand, attract or retain their business in the City. When there are competing applications, priority is given for physical improvements that result in business retention or commercial revitalization. Grant funds are not available to non-profit businesses. Existing businesses in the City must have a City business license, when required, be current on all license fees and taxes and not have any outstanding City Code enforcement violations. Applicant businesses must be in good standing with the State and Maryland and shall submit a Certificate of Good Standing from the State Department of Assessments and Taxation with its Application.

Features:

- Grants up to \$50,000, subject to the availability of funds.
- The applicant must be actively engaged in the business.
- Available to businesses located or desiring to locate within the City of New Carrollton.
- Eligible uses: building and property improvements; energy efficient equipment upgrades and building retrofits; equipment. During the COVID-19 pandemic, and for six (6) months thereafter, grants may be used to pay for relocation expenses for new businesses coming to the City and for utility, rent and office/business supply expenses of existing businesses in the City. Thereafter, grants may not be used for business operations.
- Grants may not be used to pay or refinance current debt.
- Term: As set forth in the grant document, depending on each individual application.
- Grant shall be repaid to the City in the event that the business leaves the City within three years of obtaining the grant.
- Terms and conditions of grants are established by the City for each individual grant request. The terms and conditions will relate to the nature of the purpose for which the funds are sought.
- Must be repaid, with interest, if the project for which the grant was approved is not completed or the terms and conditions of grant are not met.

- No less than thirty (30) days prior to the end of the term of the Grant Agreement, the Applicant shall submit a post-grant report documenting the use of the funds and explaining how the grant helped the business.



CITY OF NEW CARROLLTON

MEMORANDUM

TO: City Council of New Carrollton
CC: Phelecia Nembhard, Mayor
FROM: Karen Ruff, City Administrative Officer
DATE: October 14, 2020
RE: Department Heads Authority to Make Their Own Line Item Adjustments

Upon further exploring the issue of authorizing Department heads to make their own line item adjustments, we have concluded that a Charter amendment will be required.

The City Charter section that would have to be amended states, in pertinent part:

Sec. C-14 Budget and Finance

* * *

D. Appropriations. No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. **Any transfer of funds between appropriations for different purposes must be approved by the Council before becoming effective.** All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the revenues for the current budget year or be designated for other purposes as specified by the City Council.

The bold language above could be replaced with language such as:

- 1) At any time the Council may by ordinance transfer part or all of the unencumbered appropriation from one department or fund to the appropriation for another department or fund for the current or prior fiscal year.
- 2) The Mayor may transfer part or all of any unencumbered appropriation balance to another appropriated program or expenditure within a department, function or activity.

A charter amendment addressing this issue can be presented to the City Council in November for introduction.



CITY OF NEW CARROLLTON

MEMORANDUM

TO: City Council of New Carrollton
CC: Phelecia Nembhard, Mayor
FROM: Karen Ruff, City Administrative Officer
DATE: October 14, 2020
RE: L.A. Perez Consulting, LLC

On August 17, 2020, L.A. Perez Consulting, LLC made a presentation to the City Council. L.A. Perez Consulting is a political consulting firm. It has political and advocacy experience working with elected officials and government agencies, as well as media and community relations. The document presented to Council regarding the firm on August 17 is attached.

The City Council did not request that staff take any action regarding this matter. The issue is on the agenda for discussion. Since there is no money in the FY21 budget for this potential contract, staff would recommend that if Council desires to enter into a contract with L.A. Perez Consulting, that it provide for the expense in the FY22 budget and have the contract commence July 1, 2021.



About:

L.A. Perez Consulting is a political consulting firm which focuses on representing municipalities, counties and county agencies, nonprofits, associations and businesses in the Washington, DC Metropolitan Area and before the Maryland and Virginia General Assemblies.

With over three decades of political and advocacy experience working with elected officials and government agencies as well as media and community relations, LA Perez is ready to bring that expertise to bear for your issue and interests. We specialize in issues before the Maryland and Virginia Legislatures, the Prince George's County and Montgomery County Councils as well as the Washington DC City Council.

We at L.A. Perez Consulting would love to discuss how we can help advance your agenda today.

Services:

- Economic Development
- Lobbying
- Fundraising & Budgeting
- Bond Initiatives
- Relationship Management
- Campaigns
- Government & Community Relations
- Negotiating
- Legislation Development



CITY OF NEW CARROLLTON

MEMORANDUM

To: City Council of New Carrollton

From: Karen Ruff, Assistant City Administrative Officer

Cc: Mayor Phelecia Nembhard, Department Heads

Re: Parking

Date: October 16, 2020

Residential parking in the City of New Carrollton is an issue in many places. In the last year, this issue has been the topic of many discussions by and between the Mayor, City Council and senior staff. Among the ideas of how to address the parking needs of residents, are the following:

1. Better educate residents about the prohibition on parking commercial vehicles on City streets.¹
2. Better educate residents about the prohibition on parking trailers/campers/boats/recreation vehicles on City streets.
3. Create a parking lot on the City's Mahoney Woods property.
4. Initiate a permit parking program.
5. Convert some roads to one-way streets.
6. Restrict parking to one side of a road.

Other than one and two above, each of the above has their strengths and weaknesses with respect to their implementation.

Below are actions taken by the City in the last year to address these parking issues:

1. The City Council adopted Ordinance 20-05 amending Chapter 110 Vehicles and Traffic to enact a section providing for the installation of speed humps.

¹ Attached for your information are City Code, Chapter 110 "Vehicles and Traffic," Art. III "Parking, Standing and Stopping," which sets forth the restrictions regarding parking on City streets, as well as City Code, Chapter 110, Section 110-1 "Definitions."

2. The Police Department and Code Enforcement are more focused on the enforcement of on-street parking restrictions contained in the City Code.
3. A reduce speed sign was installed on 84th Avenue. There are additional reduce speed signs that will be deployed in the near future.
4. The Police Department has responded to complaints of vehicles parked on City streets for over 72 hours.
5. Code Enforcement has been committed to ensuring that cars are properly parked on residential properties (ie. have proper tags, are not parked on the grass or gravel).

In a June, 2020 Memorandum to Council, the issue of parking management was addressed. A copy of that Memo is attached for your information. Therein, staff recommended that the City conduct a parking study. In addition to conducting two parking studies, each with a specific focus area, the City of Takoma Park established a Parking Management Task Force last year to make City-wide recommendations to its council regarding the use of meters, commercial vehicle parking, residential parking permit zones, enforcement, city code provisions and regulations, parking hot spots and ridesharing. The Task Force is made up of community members. It has not yet completed its work. Perhaps the City Council could consider creating a parking management task force that would have a defined time within which to complete its work and report back to the City Council.

*City of New Carrollton, MD
Friday, October 16, 2020*

Chapter 110. Vehicles and Traffic

Article III. Parking, Standing and Stopping

§ 110-20. Applicability of Article.

- A. The provisions of this Article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or to comply with the directions of a police officer, fireman, school crossing guard or official traffic control device.
- B. The provisions of this Article shall not apply to the driver of any vehicle that is disabled while on the traveled portion of any public street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in a position otherwise prohibited.

§ 110-21. General stopping, standing and parking restrictions.

- A. No person shall stop, stand or park a vehicle:
 - (1) On or across a sidewalk or on any grass plot between a clearly defined curblin, where a curb exists, or the edge of the pavement, where a curb does not exist, and the adjacent property line.
 - (2) Within an intersection.
 - (3) On a pedestrian crosswalk or safety zone.
 - (4) At any other place where official signs prohibit stopping.
 - (5) In a direction other than the flow of traffic.
 - (6) In a posted fire lane on public or private property.
 - (7) Within an area where yellow lines have been painted upon a curb.
 - (8) Where signs have been erected prohibiting vehicular stopping, standing or parking, including, but not limited to, snow emergency routes.
 - (9) Where signs have been erected prohibiting vehicular stopping, standing or parking during certain times and/or certain days.
 - (10) On an unpaved area of a residential lot. An unpaved area is any area of a residential lot that is not completely covered by asphalt, bricks, blocks or concrete.
[Added 10-16-2019 by Ord. No. 20-02]
- B. No person shall stand or park a vehicle, including an oversized vehicle, on a City street, whether occupied or not, except momentarily to pick up or discharge passengers:
 - (1) On the roadway side of any other vehicle stopped or parked at the edge or curb of a public street.

- (2) At any place, in such a manner and under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
 - (3) In front of, or closer than five (5) feet to, a public driveway.
 - (4) Within fifteen (15) feet of a fire hydrant.
 - (5) Within twenty (20) feet of any intersection or any pedestrian crosswalk or safety zone.
 - (6) At a distance greater than six (6) inches from the edge or curb of a public street.
 - (7) Across a driveway providing access to private property, without the permission of the owner, lessee or occupant of the property.
 - (8) Within fifteen (15) feet in either direction of a bus stop sign.
- C. No person driving or in charge of any vehicle shall permit it to be unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the roadway.

§ 110-22. Parking and storage of wrecked, dismantled vehicles.

- A. It shall be unlawful for any person to park or store on any public street any vehicle that is wrecked, dismantled, in a partially dismantled condition, from which the wheel, engine, transmission or any substantial part thereof has been removed or which, for any reason, is incapable of operation on its own power, or is unlicensed or bearing expired license tags.
- B. Vehicles parked on private property within the corporate boundaries of the City that are covered with car covers, plastic sheeting, cloth, tarps or similar materials must have registration plates uncovered and/or clearly visible. Registration plates must be valid and have current stickers affixed.

§ 110-23. Parking of cargo trailers, watercraft, boat trailers and camping vehicles prohibited on City streets.

Effective June 1, 2018, no person shall park any cargo trailer, whether or not attached to a motor vehicle, watercraft, trailer designed to carry watercraft, whether or not the trailer is attached to a motor vehicle, or camping vehicle, as those terms are defined in the City Code, on any City street or public way in the City or on City-owned property, except for the temporary purposes of loading and unloading thereof. Parking detached trailers of any kind in City streets or on City property is prohibited.

§ 110-24. Restricted parking.

No person shall at any time park a Class M (multipurpose) vehicle, multipurpose passenger vehicle, truck or truck-tractor upon any of the City streets or parts thereof.

§ 110-25. Parking of commercial vehicles prohibited on City streets.

- A. No person shall park any commercial vehicle on any City street or City-owned property. This prohibition does not apply to vehicles in the course of a commercial purpose.

- B. Any vehicle parked in violation of this section shall be subject to being towed from such City street or City-owned property and impounded after it has been parked for a twenty-four-hour period in violation of this section. The impoundment of the vehicle shall be done pursuant to § 110-39 of this chapter.

§ 110-26. Exception to prohibition of parking commercial vehicles on City streets.

- A. Pursuant to City Code, § 118-2, Amendments to county's Zoning Ordinance, one (1) commercial vehicle of a certain description is permitted to be parked on private property. However, in the event that there are two (2) persons who reside in the City at the same address who both have a work-related take-home commercial vehicle that falls within the definition of "commercial vehicle," then one (1) resident may park their commercial vehicle on the property at which they reside, while the other person may apply for a permit to park their commercial vehicle on the street in front of their property.
- B. Application for such permit shall be made on forms provided by the City Administrative Officer. The application shall require that the applicant clearly state the address of the applicant, why the parking permit is necessary, the size of the vehicle to be parked on the street, including width, whether there is adequate space on the street to park the vehicle, and the days and times the vehicle would be parked at the requested location. A picture of the vehicle shall be attached to the application.
- C. The City Administrative Officer may issue the permit if he finds that there is a need for the permit, that the width of the vehicle will not unduly restrict the ability of emergency vehicles to pass through the street on which the applicant resides, and there are no more than two (2) such permits issued for the block on which the applicant resides.

§ 110-31. Angle parking.

On those streets, alleys or public parking lots which may have been signed or marked by the City for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

*City of New Carrollton, MD
Friday, October 16, 2020*

Chapter 110. Vehicles and Traffic

Article I. General Provisions

§ 110-1. Definitions.

The following words and phrases, where used in this chapter, shall have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

ABANDONED VEHICLE

A vehicle standing or parked in the public way, which vehicle is either in such a state of disrepair as to be incapable of being driven in its present condition or has not been moved or used for more than seven (7) consecutive days and is apparently deserted.

ALL-TERRAIN VEHICLE

A motor-driven, off-road recreational vehicle that has a saddle or seat for use of the rider, is designated to travel on at least three (3) low-pressure tires, and is not subject to registration requirements under the Maryland Vehicle Law.

AUTHORIZED EMERGENCY VEHICLE

A vehicle of any Police Department, a vehicle of any Fire Department, rescue squad or volunteer fire company or any ambulance.

BICYCLE

Any device propelled by human power upon which any person may ride having two (2) tandem wheels.

CAMPING TRAILER

Any vehicle, originally sold to a consumer by a manufacturer or dealer for recreational purposes, which is self-propelled or capable of being towed by another vehicle and which provides facilities for temporary camping or sleeping, or both, including a unit designed to be carried by an open pickup truck. The term "camping trailer" includes a travel trailer, camper, recreational vehicle, motor home and truck camper.

CARGO VEHICLE OR TRAILER

Any vehicle which is capable of being towed by a passenger or commercial motor vehicle and designed or used to store, haul, or transport merchandise, freight, refuse, or any other thing whether used for private or commercial purposes and all those vehicles which were converted from other uses for such purposes. This term includes nonautomotive vehicles designed to be hauled by road, specifically including boat trailers.

CLASS M (MULTIPURPOSE) VEHICLE

Every multipurpose passenger vehicle when registered as such with the Motor Vehicle Administration of the State of Maryland.

COMMERCIAL TRAILER

Every trailer or semitrailer designed and used for carrying freight or merchandise and every trailer or semitrailer used for carrying freight or merchandise in the furtherance of any commercial enterprise.

COMMERCIAL VEHICLE

Any motor vehicle not qualifying as a passenger vehicle, as hereafter defined, designed or used for carrying freight, merchandise, passengers or tools of a trade for compensation or in furtherance of any commercial enterprise. A commercial vehicle shall include any semitrailer, stake platform truck, crane or tow truck. A passenger vehicle is any motor vehicle licensed by the State of Maryland as a Class A or Class D motor vehicle, or a panel van under three-hundred-cubic-foot load space capacity, and any pickup truck with a capacity of three-quarters (3/4) of a ton or less.

CROSSWALK

Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB

A vertical or sloping member generally along and defining the edge of a roadway.

DRIVER

Every person who drives or is in actual physical control of a vehicle.

HEAVY COMMERCIAL TRUCK

Trucks except light commercial vehicles.

INTERSECTION

The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two (2) streets which join one another at, or approximately at, right angles. The junction of a private driveway with a street shall not constitute an "intersection."

LIGHT COMMERCIAL VEHICLES

Includes pickups and panel trucks up to and including those of a three-fourths-ton capacity and Maryland Motor Vehicle Administration registration restricting vehicles to ten thousand (10,000) pounds' gross vehicle weight.

MINIATURE SCOOTER

A motorized or electric two-wheel vehicle that has a saddle or seat for the rider or may be operated while standing and is not subject to registration or licensing requirements under the Maryland Vehicle Law, and includes scooters commonly referred to as "razor scooters" or "go-peds."

MINIATURE MOTORCYCLE

A motorized or electric two-wheel vehicle that has a saddle or seat for the rider and is not subject to registration under the Maryland Vehicle Law, and includes mini-motorcycles commonly referred to as "pocket bikes."

MULTIPURPOSE PASSENGER VEHICLE

A vehicle that is designed primarily for carrying persons which is constructed on a truck chassis or with special features for occasional off-road operations or is of a unique design that does not clearly meet the requirements of any other class of vehicle, as determined by the Motor Vehicle Administration of the State of Maryland.

OFFICIAL TRAFFIC CONTROL DEVICES

All traffic signs, signals, markings and other devices erected or placed on or adjacent to a highway or street in accordance with the provisions of this chapter for the purpose of regulating, warning or guiding traffic.

OFF-ROAD VEHICLE

A vehicle that has been manufactured for off-road use and not subject to registration under the Maryland Vehicle Law, including off-the-road motorcycles, miniatures scooters and all-terrain vehicles.

OFF-THE-ROAD MOTORCYCLES

Shall have the meaning given by Section 25-102.01 of the Transportation Article, Annotated Code of Maryland, and shall mean a motorcycle not otherwise registered under the Transportation Article and includes motorcycles designed for off-the-road operation, motorcycles not otherwise eligible for registration under the Transportation Article, and motorcycles commonly referred to as "dirt bikes." The term "off-the-road motorcycles" shall not include a "moped" as defined in Section 11-134.01 of the Transportation Article, Annotated Code of Maryland.

OVERSIZED VEHICLES

Any motor vehicle which exceeds a manufacturer's gross vehicle weight of seven thousand five hundred (7,500) pounds or vehicles exceeding three hundred (300) cubic feet of load space, including stake platform trucks, dump trucks, crane or tow trucks.

PEDESTRIAN

Any person afoot.

POLICE OFFICER

Any legally sworn officer having jurisdiction and general police powers within the City of New Carrollton, whether as an employee of the City, of Prince George's County or of the State of Maryland.

PUBLIC STREET

The entire width between the boundary lines of every road or thoroughfare within the corporate limits of the City of New Carrollton which has been dedicated to the public use on a legally recorded plat and which is maintained by the City of New Carrollton.

RIGHT-OF-WAY

The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian.

ROADWAY

That portion of a street improved, designed or ordinarily used for vehicular travel.

SIDEWALK

That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

STAND

To halt a vehicle, with the motor running and the driver behind the wheel ready to move the vehicle, except for the purpose of and while actually engaged in the act of receiving or discharging passengers.

TRAFFIC

Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any public street for purposes of travel.

TRAFFIC LANE

A strip of roadway intended to accommodate the forward movement of a single line of vehicles.

TRUCK

Any vehicle fully or partially powered by an internal-combustion engine or an electric motor, not qualifying as a camping trailer as defined in this section, that is designed or used or maintained primarily to carry property.

TRUCK TRACTOR

The non-cargo-carrying power unit that operates in combination with a semitrailer or trailer.

VEHICLE

Every device in, upon or by which any person or property may be transported or towed on a public street.

WATERCRAFT

Jet skis, personal watercraft, powerboats, inflatable boats, catamarans, sailboats, and pontoon boats. "Watercraft" does not include canoes and kayaks, which are propelled by paddle or oar.



MEMORANDUM

To: Mayor and City Council

From: Timothy George, City Administrative Officer
Karen Ruff, Assistant City Administrative Officer

Date: June 5, 2020

Re: Parking Town Hall Recap

As you know, the City hosted a Town Hall meeting regarding parking issues in the City. Nearly 60 people attended the event. The attendees identified parking issues in the City and where the parking problems that they experience exist. The questions remain: are there any other parking problems in the City and how does the City address all the parking concerns in the City effectively. The last thing that the City wants to do is address a parking problem along one street and create a problem on another street. As stated by the American Planning Association,

[s]pecific aspects of this [parking] problem vary ... between different areas within a city, and from one hour to the next. ... as do the means for solving it. *Parking in Residential Areas*; <https://www.planning.org/pas/reports/report214.htm>;

For these reasons and those set forth below, Staff recommends that the Mayor and the City Council commission a parking study to determine the present parking capacity in the entire City, the demand for parking in the City and the most impacted areas in the City, as well as identify ways to improve the parking issues identified in each area without creating issues in other areas.

Parking management is often an issue in older, developed residential areas like the City of New Carrollton. Parking options are: either along a street or off the street on a residential lot. Both options require space. Ideally, off-street parking spaces in amounts that accommodate residents' cars and meet visitor and other short-term parking demands would be provided throughout the City. However, finding the space for vehicles on and off the street is difficult. The City was built in the 1950's when households had fewer cars. So, when the City was developed, perhaps there was sufficient off-street parking spaces to accommodate residents' needs. However, that has changed over time. Also, people have altered their properties, enclosing their carports, and taking away valuable parking spaces. Building a parking garage in a residential neighborhood is often not an option, as such a structure would detract from the character of the neighborhood.

Below are residents' comments from the Town Hall relating to parking, City Code provisions that address the issue, where applicable, and a proposed way to address each issue:

- Parking too close to/blocking driveways
 - City Code, § 110-21.B.: No person shall stand or park a vehicle ... on a City street, ... across a driveway providing access to private property, without the permission of the owner, lessee or occupant of the property.
 - Proposed amendment to the City Code: No person shall park in front of or within three feet to either side of a private driveway or driveway apron.
- Parking too close/obstructing intersections
 - City Code, § 110-21.A: No person shall stop, stand or park a vehicle within an intersection.
 - City Code, § 110-21.B.: No person shall stand or park a vehicle ... on a City street, ... within 20 feet of any intersection or any pedestrian crosswalk or safety zone.
- Trucks with trailers
 - City Code, § 110-23: Effective June 1, 2018, no person shall park any cargo trailer, whether or not attached to a motor vehicle, watercraft, trailer designed to carry watercraft, whether or not the trailer is attached to a motor vehicle, or camping vehicle, as those terms are defined in the City Code, on any City street or public way in the City or on City-owned property, except for the temporary purposes of loading and unloading thereof. Parking detached trailers of any kind in City streets or on City property is prohibited.
- Too many cars per house/consider limiting cars/house (There are no current restrictions. This would be addressed as part of a residential parking permit program.) However, another person noted that a car limit “imposes a cost on the community.
- Multiple families in a home (If it is not a rental license issue; this issue would be a zoning issue to be addressed by Prince George’s County.)
- City registration stickers/parking permits (This would be part of a residential parking permit program.)
- Work within the new paradigm - families have more people and vehicles
- Referendum on permit parking (May 2021?)
- Speeders hitting parked cars (This is more an issue of speeding than parking, if the cars are parked as required – ie. no more than 6 inches from the edge of curb. *See* City Code, § 110-21.B.)
- Speed hump petition process (*See* § 110-4.1 Traffic-calming devices adopted in Nov., 2019 via Ord. No. 20-05 and attached revised petition and regulations.)
- Conduct a parking feasibility study to evaluate issue and recommend solutions (Staff agrees)
- Shared parking (churches, commercial areas)
 - When talking shared parking, the entity allowing people to park on their property generally require proof of insurance and an indemnification stating that they will not be responsible if the vehicle is damaged or stolen.
- Weekend numbers (NCPD/parking/Code Enforcement/Animal Control)
- Add NCPD dispatch

- More proactive (welcome packets to new residents)
 - The City is preparing an article for the September/October City Newsletter that will highlight parking restrictions within the City. This document could also be inserted in welcome packets to new residents.
- Apartment overflow parking in single family residential areas (This could be addressed by a parking permit program, or signs that limit parking.)
- Parking meters in strategic spots (for commercial vehicles)
- Low interest loans for widening driveways (Widening driveways, however, could have an impact on net lot coverage for a lot and would not be environmentally friendly.)

The mapping exercise conducted at the Town Hall identified parking issues in the following locations:

- 72-hour violators on Lamont Drive by Charles Carroll MS
- Double-parking/blocking driveways by Charles Carroll MS
- Parking and congestion
 - Lamont Dr.
 - 84th Place
 - 84th Ave.
 - Mentana St.
 - Ogethorpe
- Speeding
 - Cathedral Ave.
 - Lamont Dr.
 - 84th Pl.
 - 84th Ave.
 - Mentana St.
- Narrow Streets
 - Mentana St.
 - Runford Dr.
 - Ogelthorpe St.

As you have been advised previously, the City's Police Department and Code Enforcement Department have stepped up their efforts on enforcement of illegal vehicles in the City. The NCPD has been focusing on vehicles parked over 72-hours, installing "speed signs" in targeted areas and Code Enforcement on vehicles on private property with bad tags or parking on the grass/gravel. City Administration has been reviewing possible solutions based on peer experience and national best practices. The City of Takoma Park is in the process of implementing a traffic study that it conducted to address parking issues throughout the City. Because no one size solution fits all and any solutions will impact the entire City, Staff recommends a parking study.



CITY OF NEW CARROLLTON

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Phone (301) 459-6100 Fax (301) 459-8172

MEMORANDUM

TO: City Council of New Carrollton
FROM: Doug Barber, City Clerk
DATE: October 16, 2020
RE: Committee Appointments

Ethics Commission:

Chakeia Cambell submitted her application to serve on the City of New Carrollton Ethics Commission. Mayor Nembhard has reviewed is seeking the City Council's approval of Chakeia Cambell committee appointment to serve on the City's Ethics Commission. The term of office will be for a (3) three year term per City of New Carrollton Code, Chapter 12- Ethics, Section 12-4.

Anne Cuddy submitted her application to serve on the City of New Carrollton Ethics Commission. Mayor Nembhard has reviewed is seeking the City Council's approval of Anne Cuddy committee appointment to serve on the City's Ethics Commission. The term of office will be for a (3) three year term per City of New Carrollton Code, Chapter 12- Ethics, Section 12-4.

Board of Elections:

Sandra Dawson submitted her application to serve on the City of New Carrollton Board of Elections. Mayor Nembhard has reviewed and is seeking the City Council's approval of Sandra Dawson committee appointment to serve on the City's Board of Elections Commission. The term of office will be for October 22, 2020 until June 22, 2022 per City of New Carrollton Charter Section C-5 Board of Elections.

Petal Sampson submitted her application to serve on the City of New Carrollton Board of Elections. Mayor Nembhard has reviewed and is seeking the City Council's approval of Petal Sampson committee appointment to serve on the City's Board of Elections Commission. The term of office will be for October 22, 2020 until June 22, 2021 per City of New Carrollton Charter Section C-5 Board of Elections.

Tamar Edwards submitted her application to serve on the City of New Carrollton Board of Elections. Mayor Nembhard has reviewed and is seeking the City Council's approval of Tamar Edwards committee appointment to serve on the City's Board of Elections Commission. The term of office will be for October 22, 2020 until June 22, 2021 City of New Carrollton Charter Section C-5 Board of Elections.

Weinbach Scholarship:

Winston Wilson submitted his application to serve on the City of New Carrollton Weinbach Scholarship Committee. Mayor Nembhard has reviewed and is seeking the City Council's approval of Winston Wilson committee appointment to serve on the City's Weinbach Scholarship Committee. The term of office will be for a (1) year term.

The proposed committee appointment would be presented for adoption at the Council Legislative Meeting scheduled for Wednesday, October 21, 2020.