TUESDAY, JANUARY 29, 2019
CITY OF COLLEGE PARK
COUNCIL CHAMBERS
7:30 P.M.
MAYOR AND COUNCIL REGULAR MEETING
AGENDA

COLLEGE PARK MISSION STATEMENT
The City Of College Park Provides Open And Effective Governance And Excellent
Services That Enhance The Quality Of Life In Our Community.

1. MEDITATION
2. PLEDGE OF ALLEGIANCE: Led by Councilmember Kabir
3. ROLL CALL
4. ANNOUNCEMENTS
5. CITY MANAGER’S REPORT
6. ACKNOWLEDGMENTS
7. PROCLAMATIONS AND AWARDS
8. AMENDMENTS TO AND APPROVAL OF THE AGENDA
9. PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS - Speakers
   are asked to provide their name and address for the record, and are given three minutes to address the Council.
10. PRESENTATIONS
   A. Presentation of Ceremonial $2,500 Public School Education Grant Checks to:
      • Cherokee Lane Elementary School – Brian Galbraith, Principal
      • University Park Elementary School – Toi Davis, Principal
      • Hyattsville Middle School – Thornton Boone, Principal; Lori Colding, Special
        Education Teacher, Team Leader
   
   B. Quarterly Financial Presentation – Gary Fields, Director of Finance
   
   C. Annual State of the City report – Scott Somers, City Manager
11. **PUBLIC HEARINGS**

A. Public Hearing on Ordinance 19-O-01 – Amendments to Chapter 4, Administrative Organization and Chapter 62, Personnel and Employee Benefits

B. Public Hearing on Ordinance 19-O-02 – Amendments to Chapter 54, Local Government Insurance Trust

12. **CONSENT AGENDA**

- Note: Consent Agenda items are routine items of business that are collectively presented for approval through a single motion. A Councilmember may request that an item be pulled from the Consent Agenda and placed under Action Items for separate discussion and action.

19-G-09 Approval of Fire Department Capital Equipment Grants – Gary Fields, Director of Finance

19-G-10 Approval of a letter to Prince George’s County expressing interest in acquisition of Rhode Island Avenue

19-G-11 Approval of a letter to the County Executive requesting that the County accelerate completion of the Calvert Hills Drainage project

13. **ACTION ITEMS**

19-G-12 Approval of 1) a Memorandum of Agreement with the Maryland Historical Trust, the City and the University regarding 4601 Calvert Road, and 2) the Site Plan and final design of University of Maryland Childcare Center at 4601 Calvert Road– Scott Somers, City Manager and Terry Schum, Director of Planning

Trust”, §62-14 “Payment Obligations” And §62-15 “Responsibilities Of City Officials, Employees And Agents” To Make Certain Changes In The Personnel Code, Including To Remove Outdated Or Unnecessary Provisions, Change Certain Requirements With Respect To The Assistant City Manager, Reflect The Human Resources Department As A City Department And Update Code References.


14. Discussion of an amendment to Section C4-3 of the City Charter, Supervisors of Elections, to increase the number of Election Supervisors from five to six, with anticipated introduction at next week’s meeting.

15. MAYOR AND COUNCILMEMBER REPORTS/COMMENTS

16. STUDENT LIAISON’S REPORT/COMMENTS

17. CITY MANAGER’S REPORT/COMMENTS

18. GENERAL COMMENTS FROM THE AUDIENCE

19. ADJOURN

INFORMATION REPORT

1. Weekly Legislative Report -- Len Lucchi and Eddie Pounds, O’Malley, Miles, Nylen & Gilmore, P.A.

➢ This agenda is subject to change. For the most current information, please contact the City Clerk at 240-487-3501.

➢ Public Comment is taken during Regular Business meetings on the second and fourth Tuesdays of the month in one of the following ways. All speakers are requested to complete a card with their name and address for the record.

  o To comment about a topic not on the meeting agenda: Speakers are given three minutes to address the Council during “Public Comment on Non-Agenda Items” at the beginning of each Regular Meeting.

  o To comment on an agenda item during a Regular Business meeting: When an agenda item comes up for consideration by the Council, the Mayor will invite public comment prior to Council deliberation. Speakers are given three minutes to address the Council on that agenda item.

➢ In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office at 240-487-3501 and describe the assistance that is necessary.
PRESENTATIONS

A. Presentation of Ceremonial $2,500 Public School Education Grant Checks to:
   • Cherokee Lane Elementary School – Brian Galbraith, Principal
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B. Quarterly Financial Presentation – Gary Fields, Director of Finance

C. Annual State of the City report – Scott Somers, City Manager
PUBLIC HEARING

Ordinance 19-O-01
NOTICE OF PUBLIC HEARING
JANUARY 29, 2019
7:30 P.M.

COLLEGE PARK CITY HALL
4500 KNOX ROAD
2ND FLOOR COUNCIL CHAMBERS
COLLEGE PARK, MD 20740

ORDINANCE 19-O-01


ORDINANCE 19-O-02

The Purpose Of Purchasing Casualty, Health Or Property Insurance Or Self-Insuring Casualty, Health Or Property Risks.

Copies of these Ordinances may be obtained from the City Clerk’s Office, 4500 Knox Road, College Park, MD 20740, or by calling 240-487-3501, or visit www.collegeparkmd.gov.

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk’s Office and describe the assistance that is necessary.
NOTICE OF PUBLIC HEARING

Public Hearings
Tuesday, January 29, 2019
7:30 p.m.

ORDINANCE 19-O-01


ORDINANCE 19-O-02

Health Or Property Insurance Or Self-Insuring Casualty, Health Or Property Risks.

Copies of this Ordinance may be obtained from the City Clerk’s Office, 4500 Knox Road, College Park, MD 20740, or by calling 240-487-3501, or visit www.collegeparkmd.gov.

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CITY OF COLLEGE PARK
4500 Knox Road | www.collegeparkmd.gov
Notice of Public Hearing for Ordinance 19-O-01:

- Posted to City Bulletin Board on January 17, 2019
- Posted to City Website on January 17, 2019
- Posted on Cable Television Channel on January 17, 2019
- Sent to Constant Contact LISTSERV on January 17, 2019

ATTEST:

Janeen S. Miller, City Clerk
CITY OF COLLEGE PARK, MARYLAND
REGULAR MEETING AGENDA ITEM

AGENDA ITEM 19-O-01

Prepared By: Jill Clements,  
Director of Human Resources  
Meeting Date: 01/29/2019
Presented By: Jill Clements  
Consent Agenda: No

Originating Department: Human Resources

Action Requested: Adopt Ordinance 19-O-01 to amend Chapters 4 and 62 of the City Code.

Strategic Plan Goal: Goal 6: Excellent services

Background/Justification:
Chapter 4, Administrative Organization, and Chapter 62, Personnel and Employee Benefits, of the City Code require updating to reflect current practice and code references, to incorporate changes that have been approved by the Council, and to incorporate changes requested by the City Manager. The attached ordinance that shows the current language and the proposed changes was introduced on January 15 and the Public Hearing scheduled for January 29. Comments for some changes that may not be self-explanatory follow.

Chapter 4 ADMINISTRATIVE ORGANIZATION
§4-2, A. 2 – Remove reference to the Assistant City Manager and the Police Commissioner. The Assistant City Manager role is addressed elsewhere, and we do not have a Police Commissioner.

A.3 - The City Manager would like to have full authority to select the Assistant City Manager without the approval of the Mayor and Council; to eliminate the requirement of giving the Assistant City Manager a contract; and to eliminate the requirement for the Assistant City Manager to live in the City.

§4-3 The Department of Human Resources will be added to the list of departments and job titles to reflect changes that were made under City Manager Finz in 2003.

Eliminate 4 Attachment 1 – “Table 1 Organization Chart” as unnecessary. Since 1999 the City of College Park Organization Chart has been adopted by reference with the annual budget ordinance, as required, and is available there in updated form.

Chapter 62 PERSONNEL AND EMPLOYEE BENEFITS
ARTICLE I describing the Service Recognition Program for employees is eliminated. This function is described fully in the approved Personnel Regulations and does not need to be duplicated in the Code.

§62.-2 becomes §62.-1 and we have added the last sentence to clarify that elected and appointed officials are not entitled to employee benefits other than those required by law, such as workers compensation and the option to participate in the Maryland State Pension Plan.

§62-4 becomes §62-3 and the City Manager’s job description has been updated to reflect current duties. In the next section the Assistant City Manager’s job duties are eliminated and will be outlined, similarly to other employees, in a job description that is not part of the City Code.

§62-5 becomes §62-4 and in §62-4A language has been added to clarify what changes to personnel and employee benefits must be approved by the Mayor and Council.

§62-6 Conduct of Employees is eliminated because this topic is fully covered in the approved Personnel Regulations.
ARTICLE III Pension Plan is renamed, renumbered and rewritten to reflect what has been done. The pension plan currently described was terminated in the 1990s. The City joined the Maryland State Retirement and Pension System in 2014.

ARTICLE IV Local Government Health Benefits Trust is, renumbered and rewritten to reflect changes that have taken place over many years and leaves only language required for us to have participated in the Health Benefits Trust.

**Fiscal Impact:**
None

**Council Options:**
1. Adopt Ordinance 19-O-01.
2. Consider other options and changes.
3. Take no action.

**Staff Recommendation:**
#1

**Recommended Motion:**
I move to adopt Ordinance 19-O-01 to update and change Chapters 4, and 62 of the City Code to reflect current practice and code references, to incorporate changes that have been approved by the Council, and to incorporate changes requested by the City Manager. A public hearing was held on January 29, 2019.

**Attachments:**
1. Draft Ordinance 19-O-01
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING

WHEREAS, pursuant to §5-201 et seq. of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapters 4 and 62 were adopted by the Mayor and Council to set the organization and duties of the City Manager and City departments and work force and to provide for salary, pay and classification, benefits and insurance; and
WHEREAS, a number of the provisions in Chapters 4 and 62 duplicate provisions of the Personnel Manual or other legislative enactments; and

WHEREAS, certain provisions in Chapters 4 and 62 do not conform to current City practice; and

WHEREAS, Chapters 4 and 62 require updating of provisions and code references; and

WHEREAS, the Mayor and Council have determined that the City Manager should select the Assistant City Manager; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to revise Chapters 4 and 62.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 4, “Administrative Organization”, §4-2, “General form of organization”, be and is hereby repealed, reenacted and amended to read as follows:

§ 4-2. General form of organization

The general form of organization for the government of the City shall be as follows:
(1) The Mayor and City Council shall have final authority and responsibility over all of the affairs of the City.
(2) The City Manager shall be the chief agent of the Mayor and Council, shall be responsible for the general operations of the City government and shall be directly responsible to the Mayor and Council for the conduct of said operation. [The City Manager shall select and appoint an Assistant City Manager to assist the City Manager in the day-to-day management of the City. The City Manager shall also serve as the Police Commissioner pursuant to provisions of § C9-3 of the City Charter. The Assistant City Manager shall serve as Police Commissioner during the absence of the City Manager.]
(3) Assistant City Manager. The Assistant City Manager shall be hired by the City Manager [, subject to the approval of the Mayor and City Council. The terms and conditions of employment of the Assistant City Manager shall be set forth in a contract [approved by the Mayor and City Council. The Assistant City Manager shall reside within the City of College
The Assistant City Manager shall perform such duties as the City Manager may require and shall act as the City Manager in the City Manager's absence.

(4) City Clerk. The City Clerk shall be within the jurisdiction of the City Manager. During the absence or unavailability of the City Clerk, the City Manager may designate some other City employee to serve as acting City Clerk.

(5) Such Citizens Advisory Boards as the Mayor and City Council may from time to time establish shall be directly responsible to the Mayor and Council and shall also act in an advisory capacity to the City Manager.

(6) The City Attorney shall be directly responsible to the Mayor and City Council and shall also act in an advisory capacity to the City Manager and the heads of the several departments.

(7) The heads of the several departments shall be directly responsible to the City Manager.

(8) The personnel employed by the several departments shall be directly responsible to the head of the department in which they are employed or to such supervisory personnel as said department head may designate.

B. * * * *

* * * *

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-3, “Departments”, be and is hereby repealed, reenacted and amended to read as follows:

§4-3. Departments.
A. The general government operations of the City shall be subdivided for administrative purposes in the following manner, each subdivision being designated a department and placed under the direct supervision of a department head appointed by the City Manager:

(1) Finance Department.
(2) Public Services Department.
(3) Public Works Department.
(4) Planning, Community and Economic Development Department.
(5) Youth, Family and Senior Services Department.
(6) HUMAN RESOURCES

B. The title of the several department heads shall be, respectively, as follows:

(1) Finance Director.
(2) Public Services Director.
(3) Public Works Director.
(4) Planning, Community and Economic Development Director.
(5) Youth, Family and Senior Services Director.
(6) HUMAN RESOURCES DIRECTOR

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-4, “Finance Department”, be and is hereby repealed, reenacted and amended to read as follows:

§ 4-4 Finance Department.
The Finance Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and City Council and/or the City Manager:
A. – D. * * * *
E. [Personnel affairs.]
F. * * * *
Maintenance of all City finance records.
G. F. Investments of City moneys made by the Finance Director and/or City Manager under the provisions of § 17-101 et seq., of the Local Government Article, Annotated Code of Maryland.
H. G. All of the several financial affairs and operations of the City as to collections.
(1) – (3) * * *
H. H. Collection of all moneys due to the City, to include taxes, special assessments, penalties, interest, licenses, permits and charges for services.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-9 “Human Resources Department” be and is hereby enacted to read as follows:

§4-9. HUMAN RESOURCES DEPARTMENT.
THE HUMAN RESOURCES DEPARTMENT SHALL BE RESPONSIBLE FOR THE FOLLOWING OPERATIONS AND SUCH OTHER OPERATIONS AS MAY HEREAFTER BE ASSIGNED BY THE MAYOR AND CITY COUNCIL AND/OR THE CITY MANAGER:

A. ADMINISTER THE PERSONNEL SYSTEM
B. MAINTAIN ALL PERSONNEL RECORDS
C. OVERSEE THE EMPLOYMENT PROCESS, INCLUDING RECRUITING, EXAMINING, INVESTIGATING AND DETERMINING QUALIFICATIONS FOR ALL POSITIONS IN THE PERSONNEL SYSTEM.
D. ADMINISTER EMPLOYEE BENEFITS, INSURANCE, PENSION AND RETIREMENT.
E. ADMINISTER BARGAINING AGREEMENT

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-9 “Use of personnel” be and is hereby re-numbered as §4-10.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-10 “Construal of provisions” be and is hereby re-numbered as §4-11.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-11 “Addition and abolishment of departments” be and is hereby re-numbered as §4-12.

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, 4 Attachment 1, City of College Park Table I, Organization Chart, be and is hereby deleted in its entirety.

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Employee Recognition Program”, §62-1 “Operation of program” be and is hereby deleted in its entirety as follows:

Article I Employee Recognition Program

[§ 62-1 Operation of program,
There is hereby established a Service Recognition Program which shall operate in the following manner:
A. Those eligible shall be regular employees of the City and members of the Mayor and Council and such other individuals as the Mayor and Council shall determine.
B. Awards shall consist of service recognition pins or other suitable devices as determined by the Mayor and Council and as may be appropriate but shall be based on the following schedule:]
(1) Initial award: after completing two years of service.
(2) Second award: after completing five years of service.
(3) Succeeding awards: on the basis of five-year increments of service to the city.

C. Awards shall be made at regular meetings of the Mayor and Council or as determined by the Mayor and Council and as appropriate.

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article II, “Personnel System”, be and is hereby renumbered as Article I, which shall include renumbered §§62-1 through 62-4.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-2 “Establishment; applicability” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

§ 62-[2]1 Establishment; applicability.

By virtue of the authority vested in the Mayor and Council by [Article 23A of the] §4-101 ET SEQ., LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland (1957 Edition, as amended), there is hereby established a personnel system for the City of College Park. All offices, employments and positions now existing or hereafter created within the City service, except [that of the Assistant City Manager and] those filled by election or by direct appointment of the Mayor and City Council, are hereby placed within the jurisdiction of said personnel system and shall be subject to such rules and regulations and procedures as are hereinafter set forth and which may be set forth by virtue of the provisions of this article. ELECTED AND APPOINTED OFFICIALS ARE NOT ENTITLED TO EMPLOYEE BENEFITS EXCEPT THOSE OTHERWISE MANDATED BY LAW.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-3 “Implementation” be and is hereby repealed, reenacted, renumbered and amended to read as follows:
§ 62-3 Implementation.

The responsibility for implementing this article and for the general supervision of the personnel system is hereby vested in the City Manager. [The City Manager shall be the personnel officer.]

Section 13. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-4 “Responsibilities of City Manager” be and is hereby repealed, reenacted and amended to read as follows:

§62-4 Responsibilities of City Manager.

The City Manager shall be responsible for the following:
A. Making recommendations to the Mayor and Council with regard to the classification of positions and compensation therefor; the administration of the classification system and the rates of compensation; and the inclusion of said recommendations each year in the budget submitted to the Mayor and City Council.
B. Establishing qualifications for all employment positions.
C. Determining the appointment, transfer, promotion, demotion, suspension, dismissal or any such change in an employee's status.
D. Making recommendations concerning measures calculated to increase efficiency and to promote the interest and welfare of employees.
E. Devising necessary administrative procedures to execute the policies of the Mayor and City Council.
F. Administering such rules and regulations and procedures as may be set forth by the Mayor and City Council.
G. Recruiting, examining, investigating and determining qualifications for all positions in the personnel system.
H. Maintaining such personnel records as may be required.
OFFICIALS, CIVIC ASSOCIATIONS, COUNTY AND STATE OFFICIALS AND THE RESIDENTS OF THE CITY OF COLLEGE PARK.

I. MONITORING SPECIFIC PROJECTS, REVIEWING STATUS AND PROGRESS WITH SENIOR STAFF, REPORTING TO MAYOR AND COUNCIL AS REQUIRED.

J. DEVELOPING NEW AND REVISED RECOMMENDED POLICIES, STRATEGIES AND PROCEDURES DESIGNED TO IMPROVE CITY OPERATIONS AND SERVICE TO THE PUBLIC.

K. ENSURING STAFF SUPPORT AS DIRECTED OR AS NECESSARY FOR THE MAYOR AND COUNCIL AND ASSISTING IN THE PREPARATION OF THE AGENDA FOR MAYOR AND COUNCIL.

L. UNDERTAKING UNION NEGOTIATIONS.

M. INTERPRETING AND AMENDING PERSONNEL REGULATIONS AND ADMINISTRATIVE POLICIES, INCLUDING THE PERSONNEL MANUAL, OTHER THAN THOSE ISSUES FOR WHICH AUTHORITY IS SPECIFICALLY RESERVED TO THE MAYOR AND CITY COUNCIL, INCLUDING §62-4 OF THIS CHAPTER.

N. SUCH OTHER DUTIES AS THE MAYOR AND COUNCIL MAY REQUIRE.

Section 14. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-4.1 “Responsibilities of the Assistant City Manager” be and is hereby repealed in its entirety as follows:

[§ 62-4.1 Responsibilities of Assistant City Manager.

The Assistant City Manager shall be responsible [, as part of the Assistant City Manager's contractual obligations,] for the following:

A. Assisting the City Manager in the duties and responsibilities prescribed by Charter for the day-to-day management of the City government.

B. Providing supervision and leadership to department directors and exercising direction over programs and duties administered by those departments.

C. Participating in the preparation of the City's annual budget and capital improvement program.

D. Serving as Acting City Manager in the City Manager's absence.

E. Developing and maintaining an effective working relationship with all department directors, the Mayor and Council, other municipal officials, civic associations, county and state officials and the citizens of the City of College Park.

F. Monitoring assigned specific projects, reviewing status and progress with senior staff, reporting internally and to Mayor and Council as required.]
G. Providing, as directed by the City Manager interdepartmental coordination and implementation of municipal programs and preparation of special studies relating to all phases of the City's operation.

H. Developing new and revised recommended policies, strategies and procedures designed to improve City operations and service to the public.

I. Reviewing state and county legislation, preparing recommendations and background material for Mayor and Council.

J. Representing the City in relations with the County Cable Coalition; COG Electric Deregulation Technical Advisory Committee; Maryland Municipal League Departments and committees.

K. Providing staff support as directed or as necessary for the Mayor and Council and assisting in the preparation of the agenda for Mayor and Council.

L. Performing work in the areas of personnel, purchasing and union negotiations as assigned.

M. Such other duties as the City Manager may require.

Section 15. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-5 “Responsibilities of Mayor and Council” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

§ 62-[5] 4 Responsibilities of Mayor and Council.
The Mayor and Council shall:

A. Adopt personnel policies WITH RESPECT TO POSITIONS, CLASSIFICATION, STAFF LEVELS, PAY AND THE FOLLOWING BENEFITS: INSURANCE, PENSION, RETIREMENT AND AMOUNT OF PAID LEAVE, in conformity with and in furtherance of this article.

B. Authorize staff levels (number of positions) with the adoption of the annual budget.

C. Approve, establish or modify all salary schedules for classes of positions [ , provided that, in connection] with the adoption of the annual budget[ , the Mayor and Council shall approve the salary schedules].

D. Individual members of the Mayor and Council shall not direct or request the recommendation of any person to, or [his] removal from, employment by the City Manager or in any manner dictate the recommendation of any potential employee to the Mayor and Council by the City Manager. Except for the purpose of inquiry, Council members shall deal with the administrative service solely through the City Manager, and no Council member shall give orders to any subordinates of the City Manager either publicly or privately.
Section 16. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-6 “Conduct of employees” be and is hereby repealed in its entirety as follows:

[§ 62-6 Conduct of employees.
A. Political activity shall be prohibited.
(1) No employee shall, directly or indirectly, use or seek to use his/her official position, authority or influence to control or modify the political action of any other person, nor shall any employee, during duty hours, engage in any form of political activity.
(2) With respect to College Park City elections, no employee shall take part in any political movement or actively support any candidates or support any group of candidates in any manner other than by casting his or her own ballot.
B. No employee shall solicit or receive any money or thing of value from any other City employee for any political purpose.
C. Acceptance of a gift of other valuables by a public officer or employee, when given under circumstances indicating the hope or expectation of receiving a favor or better treatment than that accorded the public generally, is prohibited.
D. City officials and employees shall avoid conflicts of interest in the award of City contracts.
E. Violation of any provision of this section shall constitute grounds for immediate dismissal.
In addition, the following may constitute grounds for dismissal or suspension:
(1) Misfeasance, malfeasance or nonfeasance in the performance of duties.
(2) Any violation of law, official rules, regulations or orders or failure to obey any lawful or reasonable direction when such action amounts to insubordination or a serious breach in discipline.
(3) Conviction of a felony or of any infamous or disgraceful offense.
(4) Willful or repeated negligence in performing duties.
(5) Sustained conduct detrimental to the efficiency and morale of the service.
(6) Misuse of public funds.
(7) Falsifying reports or records.
(8) Intoxication while on duty.]

Section 17. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”,
Article I, “Personnel System”, §62-7 “Effective date” be and is hereby repealed in its entirety as follows:

[§ 62-7 Effective date.
The effective date of this article shall be March 30, 1988. However, the provisions of this article shall be retroactive to January 6, 1988.]

Section 18.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Pension Plan”, be and is hereby renamed and renumbered as Article II, “Pension and Retirement Plans”, which shall include renumbered §§62-8 through 62-9.

Section 19.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article II, “Pension and Retirement Plans”, §62-8 “Adoption by reference” be and is hereby repealed, reenacted, and amended to read as follows:

§ 62-8 [Adoption by reference.] ADOPTION OF PENSION AND RETIREMENT PLANS.
[The improved pension plan for City employees, named the "City of College Park Money Purchase Plan," is adopted retroactive to January 1, 1989, effective July 1, 1989.] THE MAYOR AND COUNCIL MAY ADOPT SUCH PENSION AND RETIREMENT PLANS, TO INCLUDE THE MARYLAND STATE RETIREMENT AND PENSION SYSTEM PURSUANT TO § 31-111.8 OF THE STATE PERSONNEL AND PENSIONS ARTICLE, ANNOTATED CODE OF MARYLAND, AS THEY MAY DEEM APPROPRIATE.

Section 20.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article II, “Pension and Retirement Plans”, §62-9 “Plan to be legal and binding” be and is hereby repealed, reenacted, and amended to read as follows:

§ 62-9 [Plan to be legal and binding.] IMPLEMENTATION OF PENSION AND RETIREMENT PLANS
The City Manager is authorized to execute such [necessary technical] documents, AND TAKE THOSE ACTIONS NECESSARY, TO IMPLEMENT AN ADOPTED PENSION AND/OR RETIREMENT PLAN [so as to make the City of College Park Purchase Plan legal and binding].

**Section 21.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article IV, “Local Government Health Benefits Trust”, be and is hereby renumbered as Article III, which shall include amended, renumbered §62-10.

**Section 22.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “‘Local Government Health Benefits Trust”, §62-10 “Statutory authorization” be and is hereby repealed in its entirety as follows:

[§ 62-10 Statutory authorization.]

[Political subdivisions and municipal corporations of the State of Maryland (collectively "local governments"), including the City of College Park, are authorized by Article 48A, § 482B, of the Annotated Code of Maryland (1991 Replacement Volume) (the "Act"), to pool together for the purpose of purchasing health insurance or self-insuring health risks.]

**Section 23.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “‘Local Government Health Benefits Trust”, §62-11 “Determination” be and is hereby repealed in its entirety as follows:

[§ 62-11 Determination.]

A. Pursuant to the authority granted in the Act, certain local governments, including the City of College Park, have determined that it is necessary and desirable to pool together for the purpose of providing health benefits to public entities providing employees and retirees and their dependents cost containment and managed care advice to participants, all for the public purpose of reducing the cost of providing health benefits to public entity employees and retirees and their dependents.

B. The City of College Park has determined that it is in the best interests of the citizens of the City of College Park for the City of College Park to participate in the Local Government Health Benefits Trust (the "trust") and to adopt this article pursuant to the Act approving and directing
the execution and delivery of the local government health benefits trust agreement to be dated as of July 1, 1990 (the “trust agreement”).

Section 24. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-12 “Participation approved” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

§ 62-12 Participation approved.
The participation of the City of College Park in the Local Government Health Benefits Trust, INCLUDING THE LOCAL GOVERNMENT HEALTH BENEFITS TRUST AGREEMENT DATED JULY 1, 1990 AND AMENDMENTS THERETO, is hereby approved. ANY PAYMENT OBLIGATION OF THE CITY UNDER THE TRUST AGREEMENT SHALL BE A GENERAL OBLIGATION OF THE CITY TO WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS PLEDGED AND MAY NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE CITY. THE CITY MANAGER IS AUTHORIZED TO TAKE ANY AND ALL ACTION NECESSARY OR APPROPRIATE TO EFFECT THE PARTICIPATION OF THE CITY IN THE TRUST AND TO EXECUTE AND DELIVER ALL DOCUMENTS, INSTRUMENTS, CERTIFICATES AND OPINIONS NECESSARY OR APPROPRIATE IN CONNECTION THEREWITH.

Section 25. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-13 “Execution and delivery of trust” be and is hereby repealed in its entirety as follows:

[§ 62-13 Execution and delivery of trust. The trust agreement approved, and the City Manager is hereby authorized and directed to execute and deliver to the trust the trust agreement with such changes as the Mayor and Council may approve, such approval to be evidenced conclusively by the City Manager’s execution and delivery of the trust agreement.]

Section 26. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-14 “Payment obligations” be and is hereby repealed in its entirety as follows:
Pursuant to the Act, any payment obligation of the City of College Park under the trust agreement shall be a general obligation of the City of College Park to which its full faith and credit and unlimited taxing power is pledged and may not be subject to annual appropriation by the City of College Park.

Section 27. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-15 “Responsibilities of City officials, employees and agents” be and is hereby repealed in its entirety as follows:

§ 62-15 Responsibilities of City officials, employees and agents.
All officials, employees and agents of the City of College Park are hereby authorized and directed to take any and all action necessary or appropriate to effect the participation of the City of College Park in the trust and to execute and deliver all documents, instruments, certificates and opinions necessary or appropriate in connection therewith.

Section 28. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 29th day of January, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.
After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on ____________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the __________ day of ____________, 2019.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the __________ day of ________________ 2019.

**EFFECTIVE** the __________ day of _________________. 2019.

**ATTEST:**

CITY OF COLLEGE PARK

By: _____________________________

By: _____________________________

Janeen S. Miller, CMC, City Clerk

Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND LEGAL SUFICIENCY:**

Suellen M. Ferguson, City Attorney
PUBLIC HEARING

Ordinance 19-O-02
NOTICE OF PUBLIC HEARING
JANUARY 29, 2019
7:30 P.M.

COLLEGE PARK CITY HALL
4500 KNOX ROAD
2ND FLOOR COUNCIL CHAMBERS
COLLEGE PARK, MD 20740

ORDINANCE 19-O-01


ORDINANCE 19-O-02

The Purpose Of Purchasing Casualty, Health Or Property Insurance Or Self-Insuring Casualty, Health Or Property Risks.

Copies of these Ordinances may be obtained from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, or by calling 240-487-3501, or visit www.collegeparkmd.gov.

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing to cmcp@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office and describe the assistance that is necessary.
NOTICE OF PUBLIC HEARING

Public Hearings
Tuesday, January 29, 2019
7:30 p.m.

ORDINANCE 19-O-01


ORDINANCE 19-O-02

Health Or Property Insurance Or Self-Insuring Casualty, Health Or Property Risks.

Copies of this Ordinance may be obtained from the City Clerk's Office, 4500 Knox Road, College Park, MD 20740, or by calling 240-487-3501, or visit www.collegeparkmd.gov.

All Public Hearings will be held in the 2nd floor Council Chambers at City Hall, 4500 Knox Road, College Park. Parking passes will be available from the front window. All interested parties will have the opportunity to be heard.

If you are unable to appear in person, you may submit written comment prior to the Public Hearing. In order to be received by the Council as part of the record, the comment must include the specific topic to which it relates and the full name and address of the person submitting the comment. Written comment should be submitted no later than 5:00 p.m. on the day of the hearing tcpmc@collegeparkmd.gov.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office at 240-487-3501 and describe the assistance that is necessary.

CITY OF COLLEGE PARK
4500 Knox Road | www.collegeparkmd.gov
Notice of Public Hearing for Ordinance 19-O-02:

- Posted to City Bulletin Board on January 17, 2019
- Posted to City Website on January 17, 2019
- Posted on Cable Television Channel on January 17, 2019
- Sent to Constant Contact LISTSERV on January 17, 2019

ATTEST:

Janeen S. Miller, City Clerk
<table>
<thead>
<tr>
<th>CITY OF COLLEGE PARK, MARYLAND</th>
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</thead>
<tbody>
<tr>
<td>REGULAR MEETING AGENDA ITEM</td>
</tr>
</tbody>
</table>

**AGENDA ITEM 19-O-02**

- **Prepared By:** Jill Clements, Director of Human Resources  
- **Meeting Date:** 01/29/2019  
- **Presented By:** Jill Clements  
- **Consent Agenda:** No

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Human Resources</th>
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<tbody>
<tr>
<td>Action Requested:</td>
<td>Adopt Ordinance 19-O-02 to amend Chapter 54 of the City Code.</td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td>Goal 6: Excellent services</td>
</tr>
</tbody>
</table>

**Background/Justification:**
Chapter 54, Local Government Insurance Trust, of the City Code requires updating to reflect current practice and code references. The attached Ordinance that shows the current language and the proposed changes was introduced on January 15, and a Public Hearing scheduled for January 29.

Chapter 54, Local Government Insurance Trust, was originally adopted to enable City participation in the Local Government Insurance Trust as authorized by State law. Most provisions are no longer needed because the Trust was successfully established long ago. This amendment includes simplified language to continue the authorization for the City to participate and its commitment to funding, to confirm the Trust Agreement as amended, and to delete unnecessary provisions.

**Fiscal Impact:**
None

**Council Options:**
1. Adopt Ordinance 19-O-02.  
2. Consider other options and changes.  
3. Take no action.

**Staff Recommendation:**
#1

**Recommended Motion:**
I move to adopt Ordinance 19-O-02 to amend Chapter 54, Local Government Insurance Trust, to continue the authorization for the City to participate in the Trust and its commitment to funding, and to confirm the Trust Agreement as amended and to delete unnecessary provisions. A public hearing was held on January 29, 2019.

**Attachments:**
1. Ordinance 19-O-02
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CHAPTER 54, “LOCAL GOVERNMENT INSURANCE TRUST” BY REPEALING AND
RE-ENACTING ARTICLE I, “FINDINGS”, §54-1, “STATUTORY AUTHORITY” AND
REPEALING IN THEIR ENTIRETY ARTICLE I, §54-2 “ESTABLISHMENT OF
TRUST”, §54-3 “AUTHORITY TO ENTER INTO AGREEMENT”, §54-4 “ADDITIONAL
CAPITAL PROVIDED”, §54-5 “DOCUMENTS”, §54-6 “EFFECT OF AGREEMENTS”,
§54-7 “DETERMINATION TO PARTICIPATE”, §54-8 “CAPITAL CONTRIBUTION”,
AND ARTICLE II, “PARTICIPATION IN TRUST”, § 54-9 “PROGRAM AND
PARTICIPATION APPROVED”, § 54-10 “CONTRIBUTION AUTHORIZED”, § 54-
11, “AGREEMENTS APPROVED”, § 54-12, “EXECUTION OF PROGRAM”, AND
§ 54-13, “DECLARATION”, TO DELETE UNNECESSARY PROVISIONS AND
CONTINUE TO AUTHORIZE THE PARTICIPATION BY THE CITY IN INSURANCE
POOLS, INCLUDING THE LOCAL GOVERNMENT INSURANCE TRUST, FOR THE
PURPOSE OF PURCHASING CASUALTY, HEALTH OR PROPERTY INSURANCE
OR SELF-INSURING CASUALTY, HEALTH OR PROPERTY RISKS.

WHEREAS, pursuant to §5-201 et seq. of the Local Government Article, Annotated
Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to
pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens
of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapter 54 was adopted by the Mayor and Council pursuant to §19-602 et
seq. of the Insurance Article, Annotated Code of Maryland, as amended; and

WHEREAS, a number of the provisions in Chapter 54 were adopted to authorize the
initial participation by the City in insurance pools for the purpose of purchasing casualty,
HEALTH or property insurance or self-insuring casualty, or property risks; and

WHEREAS, these provisions are no longer necessary; and

WHEREAS, Chapter 54 as amended will continue to authorize the City to participate in
and fund insurance pools for the purpose of purchasing casualty, or property insurance or self-
insuring casualty, or property risks, and also for insuring the health of its employees by such
means, including specifically the Local Government Insurance Trust; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to
revise and update Chapters 54.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor
and Council of the City of College Park, Maryland that Chapter 54, “Local Government Insurance
Trust”, Article I, “Findings”, §54-1 “Statutory authority” be and is hereby repealed, re-enacted and
amended to read as follows:

§ 54-1 [Statutory authority]. AUTHORITY TO ENTER INTO INSURANCE POOLS
[Political subdivisions and municipal corporations of the State of Maryland (collectively “local
governments”), including the City of College Park, are authorized by Article 48A, § 482B, of the
Annotated Code of Maryland (1991 Replacement Volume)] A. PURSUANT TO §19-602 ET SEQ.
OF THE INSURANCE ARTICLE, ANNOTATED CODE OF MARYLAND, AS AMENDED,
THE CITY IS AUTHORIZED [(the “Act”),] to pool together WITH OTHER POLITICAL
SUBDIVISIONS AND MUNICIPAL CORPORATIONS OF THE STATE for the purpose of
purchasing casualty, HEALTH or property insurance or self-insuring casualty, HEALTH or
property risks, AND TO APPROVE BY RESOLUTION ANY MEASURES REQUIRED TO
DO SO, INCLUDING WITHOUT LIMITATION ENTERING INTO TRUSTS AND
CAPITALIZATION AGREEMENTS, AND EXECUTING AND DELIVERING ALL
NECESSARY AND APPROPRIATE ENABLING DOCUMENTS, INSTRUMENTS,
CERTIFICATES AND OPINIONS.

B. THE CITY IS AUTHORIZED TO CONTINUE TO PARTICIPATE IN THE LOCAL
GOVERNMENT INSURANCE TRUST FOR THE PURPOSE OF PURCHASING
CASUALTY, HEALTH OR PROPERTY INSURANCE OR SELF-INSURING CASUALTY,
HEALTH OR PROPERTY RISKS, THROUGH ITS TRUST AGREEMENT, AS AMENDED, WHICH IS HEREBY CONFIRMED AND RATIFIED, AND OTHER REQUIRED AGREEMENTS, AND TO FUND SAID PARTICIPATION.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-2 “Establishment of trust” be and it is hereby deleted in its entirety as follows:

§ 54-2 Establishment of trust.
The Local Government Insurance Trust (the “trust”) was established on July 1, 1987, pursuant to the Act and the local government insurance trust agreement for the purpose of enabling local governments to pool together to provide insurance protection for casualty and property risks and to provide risk management and loss control services for local governments, all for the public purpose of minimizing the cost of casualty insurance and property insurance claims and administration to local governments.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-3 “Authority to enter into agreement” be and it is hereby deleted in its entirety as follows:

§ 54-3 Authority to enter into agreement.
The Act, as amended by Chapter 459 of the Laws of Maryland of 1988, authorizes any local government to enter into an agreement to capitalize or otherwise fund an insurance pool established under the Act. The Act, as amended by Chapter 459 of the Laws of Maryland of 1988, further provides that:
A. Such agreement may have such provisions, terms and conditions and may be of such duration as the local government, by resolution, may determine.
B. Any payment obligation in such agreement shall be a general obligation of the local government to which its full faith and credit and unlimited taxing power is pledged and may not be subject to annual appropriation by the local government.
C. Such payment obligation may be undertaken without regard to any limitations set forth in the Charter of the local government or other applicable public local or public general law that would otherwise apply and without complying with any procedures set forth in the Charter of the local government or other applicable public local or public general law that would otherwise be required.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article
Pursuant to the authority granted in the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the trust and certain local governments, including the City of College Park, have determined that it is necessary and desirable to provide additional capital and surplus for the insurance pools administered by the trust for the benefit of local governments covered by the insurance pools administered by the trust (the “capitalization program”).

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-5 “Documents” be and it is hereby deleted in its entirety as follows:

§54-5 Documents.
Pursuant to the authority of the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the trust has prepared and submitted to the City of College Park for approval the following documents in order to implement the capitalization program:
A. A cash contribution coverage and capitalization agreement to be dated as of July 1, 1989 (the "cash capitalization agreement"), by and among the trust and certain local governments participating in the capitalization program (collectively the "cash capital participants").
B. The second amended and restated trust agreement to be dated as of July 1, 1989 (the "LGIT agreement"), by and among the trust and those local governments participating in the trust.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-6 “Effect of agreements” be and it is hereby deleted in its entirety as follows:

§54-6 Effect of agreements.
Collectively, the cash capitalization agreement and the LGIT agreement, when approved, executed and delivered, will:
A. Enable the trust to raise the capital necessary to support additional coverages, including excess liability coverage, environmental cleanup coverage and environmental liability coverage (the "capital coverage").
B. Enable the trust to make the capital coverage available to each cash capital participant.
C. Require each cash capital participant to make a capital contribution in cash on or before the date specified in the cash capitalization agreement.

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-7 “Additional capital provided” be and it is hereby deleted in its entirety as follows:

§54-7 Additional capital provided.
Pursuant to the authority granted in the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the trust and certain local governments, including the City of College Park, have determined that it is necessary and desirable to provide additional capital and surplus for the insurance pools administered by the trust for the benefit of local governments covered by the insurance pools administered by the trust (the "capitalization program").
I, “Findings”, §54-7 “Determination to participate” be and it is hereby deleted in its entirety as follows:

[§ 54-7 Determination to participate.
The City of College Park has determined that it is in the best interests of the citizens of the City of College Park for the City of College Park to participate in the capitalization program and to adopt this chapter, pursuant to the Act, approving and directing the execution and delivery of the cash capitalization agreement and the LGIT agreement.]

Section 8.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-8 “Capital contribution” be and it is hereby deleted in its entirety as follows:

[§ 54-8 Capital contribution.
A. By means of this chapter, the City of College Park approves, accepts and agrees to pay a capital contribution in the principal amount of $32,859 under the terms and conditions of the cash capitalization agreement.
B. Under the terms of the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the capital contribution approved by this chapter and any interest payable thereon will be a general obligation of the City of College Park to which its full faith and credit and unlimited taxing power is pledged and will not be subject to annual appropriation by the City of College Park.]

Section 9.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-9 “Program and participation approved” be and it is hereby deleted in its entirety as follows:

[§ 54-9 Program and participation approved.
A. The capitalization program is hereby approved.
B. The participation of the City of College Park in the capitalization program is hereby authorized and approved.]

Section 10.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-10 “Contribution authorized” be and it is hereby deleted in its entirety as follows:
§ 54-10 Contribution authorized.
The City of College Park is hereby authorized and directed to make a capital contribution to the trust in the amount of $32,859 pursuant to the terms and conditions of the cash capitalization agreement. Pursuant to the Act, the capital contribution in the amount of $32,859 and any interest payable thereon under the terms and conditions of the cash capitalization agreement shall be a general obligation of the City of College Park to which its full faith and credit and unlimited taxing power is pledged and may not be subject to annual appropriation by the City of College Park.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-11 “Agreements approved” be and it is hereby deleted in its entirety as follows:

§ 54-11 Agreements approved.

A. The cash capitalization agreement, in substantially the form attached hereto as Exhibit A, is hereby approved, and the City Manager is hereby authorized and directed to execute and deliver to the trust and the other cash capital participants the cash capitalization agreement in substantially the form attached hereto as Exhibit A, with such changes as the City Manager may approve, such approval to be evidenced conclusively by the City Manager’s execution and delivery of the cash capitalization agreement.

B. The LGIT agreement, in substantially the form attached hereto as Exhibit B, is hereby approved, and the City Manager is hereby authorized and directed to execute and deliver to the trust the LGIT agreement in substantially the form attached hereto as Exhibit B, with such changes as the City Manager may approve, such approval to be evidenced conclusively by the City Manager’s execution and delivery of the LGIT agreement.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-12 “Execution of program” be and it is hereby deleted in its entirety as follows:

§ 54-12 Execution of program.

All officials, employees and agents of the City of College Park are hereby authorized and directed to take any and all action necessary or appropriate to effect the participation of the City of College Park in the capitalization program and to execute and deliver all documents, instruments, certificates and opinions necessary or appropriate in connection therewith.
Section 13. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-13 “Declaration” be and it is hereby deleted in its entirety as follows:

§ 54-13 Declaration.
Article I of this chapter is hereby declared to be and shall at all times and for all purposes be deemed to be the findings of the City of College Park in connection with its decision to participate in the capitalization program, to make a capital contribution in the amount of $32,859 and to approve, execute and deliver the cash capitalization agreement and the LGIT agreement.

Section 14. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that the designations of Article I and Article II are no longer required for Chapter 54, “Local Government Insurance Trust”, and so are hereby deleted.

Section 15. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 29th day of January, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.
After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on ________________________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 15th day of January, 2019.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ______ day of ______________________, 2019.

**EFFECTIVE** the ______ day of ______________________, 2019.

**ATTEST:**

CITY OF COLLEGE PARK

By: _____________________________
Janeen S. Miller, CMC, City Clerk

By: _____________________________
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney
19-G-09

Fire Department Capital Equipment Grants
## CITY OF COLLEGE PARK, MARYLAND
### REGULAR COUNCIL MEETING AGENDA ITEM

<table>
<thead>
<tr>
<th>Agenda Item</th>
<th>19-G-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepared By:</td>
<td>Gary Fields</td>
</tr>
<tr>
<td>Finance Director</td>
<td></td>
</tr>
<tr>
<td>Meeting Date:</td>
<td>January 29, 2019</td>
</tr>
<tr>
<td>Presented By:</td>
<td>Gary Fields</td>
</tr>
<tr>
<td>Proposed Consent Agenda:</td>
<td>Yes</td>
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<th>Originating Department:</th>
<th>Mayor and Council</th>
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</thead>
<tbody>
<tr>
<td>Issue Before Council:</td>
<td>Award of Fire Department Capital Equipment Grants</td>
</tr>
<tr>
<td>Strategic Plan Goal:</td>
<td>Goal 6 – Excellent Services</td>
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</tbody>
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### Background/Justification:
The FY2019 Adopted Budget provides $75,000 for capital equipment grants to each of the 3 local fire departments that provide first response to City residents. The grants are for $25,000 to each fire company to be used for the purchase and/or financing of capital equipment needs.

Applications were sent to and received from Berwyn Heights, Branchville and College Park Volunteer Fire Departments. Applications and Hold-Harmless Agreements are attached. In summary, proposed use for the grant funds are:

**Berwyn Heights Vol. Fire Dept. & Rescue Squad:** The funds would be used to supplement the debt service payments on an existing loan for their ladder truck, ambulance and chief’s buggy, totaling $109,196 annually.

**Branchville Volunteer Fire Company:** The funds would be applied towards the purchase of a new chief’s vehicle (total cost approximately $60,000). This is a replacement of a 2006 Expedition one that was totaled in an accident.

**College Park Volunteer Fire Department:** They plan to apply the funds to the purchase a new basic life support ambulance, total cost $259,000.

### Fiscal Impact:
The fiscal impact of this request is an expenditure of $75,000 from the General Fund. It was appropriated in the FYE 2019 budget in the Mayor and Council Budget for grants (001-1010-510.25-40).

### Council Options:
1. Authorize/approve the individual grants of $25,000 to each volunteer fire department.
2. Authorize/approve a grant of some other amount to the departments.
3. Do not authorize/approve the fire capital equipment grants.

### Staff Recommendation:
Staff recommends that the Mayor and Council make the $25,000 grant awards to each fire department in accordance with the FY2019 budget.

### Recommended Motion:
*I move to approve the award of the Fire Department Capital Equipment Grants in the amount of $25,000 each to Berwyn Heights Volunteer Fire Department & Rescue Squad, Branchville Volunteer Fire Company and College Park Volunteer Fire Department.*

### Attachments:
1. Grant applications and Hold Harmless agreements for each volunteer fire department.
City of College Park
FY2019 Fire Department Capital Equipment Grant Application
(Deadline: January 22, 2019)

GENERAL INFORMATION:

Name of Fire Department: Berwyn Heights Volunteer Fire Dept & Rescue Squad, Inc.

Address: 8811 60th Ave

City/State/Zip: Berwyn Heights, MD 20740

Contact Person/Title or Rank: Ryan Wagner, President

Telephone Number: 240-882-7184 FAX Number: 301-474-4505

E-mail Address: rwagner@bhvfd14.org

Use of Grant Funds:
The City of College Park has established a Fire Department Capital Equipment project in its Capital Improvement Program (C.I.P.) to assist fire companies providing first response to residents of the City with capital equipment purchases. Capital equipment purchases under this grant program may be used for one-time purchases, or approved grant funds may be escrowed for combination with grant funds, if any, appropriated in subsequent fiscal years. The maximum capital equipment grant per fire company, based on demonstrated need, for fiscal year 2019 is $25,000. Mayor and Council will make its decision based on submitted applications, and shall exercise total discretion in the award of grants.

Tax Return Submittal:
Tax returns are not required to be submitted with the application.

Electronic Version of Application:
If you would like to receive an electronic version of this application (in Word format), please e-mail gfields@collegeparkmd.gov.

We, the authorized representatives of the applicant fire company, have completed or directed the completion of this application for the City of College Park Fire Department Capital Equipment Grant and confirm that the information contained herein is true and correct to the best of our knowledge, information and belief.

Signature/Date
Ryan Wagner, President

Signature/Date
Daniel McCoy, Fire Chief

Printed Name/Title or Rank
Printed Name/Title or Rank
Requested information may be provided on attachments if referenced to the appropriate item numbers.

1. What are your company’s first response boundaries? What neighborhoods within the City are included in that area?

The first due-response boundaries of the Berwyn Heights Volunteer Fire Department and Rescue Squad, Inc. (BHVFD) run from the Metro tracks on the West side heading south past Lake Artemesia, to the southern portion of Indian Creek, East along Paint Branch Parkway, North through Greenbelt Park, and along the inner loop of I-495 on the North side of Greenbelt Metro. Though this is our first due response area and it does include the College Park Woods community we also provide "first due" Heavy Rescue Squad support to all portions of College Park and will also respond with our Ladder Truck or ambulance through an automatic aid agreement to all parts of College Park.

2. Do you have any specialized responsibilities (e.g., hazardous materials, emergency medical services)?

The BHVFD staffs a heavy duty rescue squad (two if staffing permits) and a ladder truck which are both considered "special services" by the PGFD. Our rescue squad also doubles as the a Technical Rescue Support Company for the Northern half of Prince George's County, providing highly trained technical rescue technicians and equipment in case of high-angle, confined space, trench, swiftwater, and structural collapse incidents. The BHVFD also has two ambulances that provide EMS care to the greater Berwyn Heights, Greenbelt, and College Park areas and has frequently been upgraded to a Paramedic Ambulance during 2018 adding Advanced Life Support to its capabilities.

3. List your current apparatus or equipment, providing year, vehicle type, owner, scheduled replacement date, current mechanical condition (and list owner) owned by the fire company or any related entities.

2015 Ford/Demers Ambulance- Scheduled Replacement 2025- Owned by BHVFD-New condition

2009 Seagrave Ladder Truck- Scheduled Replacement 2024- Owned by BHVFD- Excellent condition

2005 Seagrave Rescue Squad- Scheduled Replacement 2017- Owned by BHVFD- Good condition, however showing age with 160k+ miles

2003 Freightliner Ambulance- Anticipated replacement 2020- Owned by BHVFD Fair condition, exceeds "critical" engine hours for a fleet vehicle.

1990 Pemfab Rescue Squad- Will be replaced along with the 2005 Seagrave Rescue Squad, anticipated 2020- Owned by BHVFD- Fair condition with 250k+ miles
4. Explain the deficiencies of your current equipment based on your fire company’s responsibilities.

Our Pemfab Rescue squad exceeds the normal service life for a rescue squad and is running on borrowed time. Due to its high call volume our 2005 Seagrave rescue squad is also showing signs of aging and will move into a reserve position when a new rescue squad is purchased. Our 2003 Freightliner Ambulance exceeds critical engine hours. Our 2015 Ford Ambulance also has a high call volume and will move into a reserve position when a new ambulance is purchased. Our ladder truck is relatively new and should be able to serve the community for years to come without issue. About 75% of our rescue equipment was purchased in 1999 or before and will need to be replaced when a new rescue squad is purchased.

5. Describe the equipment you would purchase with this grant, including estimated acquisition cost and the projected timing of your purchase.

This grant money would be used to supplement the bi-annual payments of $54,598 on the existing loan for the ladder truck, ambulance and chief’s buggy which total $109,196 annually.

6. Is this the least expensive piece of equipment that would serve this purpose? If not, please justify the additional expenditure.

The funds from the grant would be used to supplement an existing apparatus loan. All apparatus purchases by BHVFD are by means of a competitive bidding process among several manufacturers to meet established specifications set forth by the BHVFD and in accordance with PGFD, National Fire Protection Association standards, and Maryland MVA laws governing emergency vehicles.

7. Is this equipment being purchased for your primary or “core” service? If not, please explain.

Yes, these funds will help offset the payments for apparatus serving the same area and providing the same type of service as it does currently.

8. If the total acquisition costs exceeds this grant request, explain how you would fund the remainder?

The remainder of the funds for payments are funded through ambulance billing, grants from the Town of Berwyn Heights and City of Greenbelt, as well as state and county allocated funds.

9. Are there any plans for your fire company to receive additional apparatus from Prince George’s County? If yes, describe apparatus and timing of scheduled delivery.

There are not any plans to receive any additional apparatus from Prince George's County at this time.

10. Are there any plans for your fire company to expand or add additional services? If so, what additional apparatus do you plan to purchase to provide these services?

The BHVFD is always striving to expand its capabilities and expects to become more involved
as an asset to the county's technical rescue team as a primary technical rescue squad in lieu of acting in only a support role. The BHVFD also plans to expand it Paramedic Ambulance program by actively recruiting volunteer Paramedics to expand the Advanced Life Support (ALS) capabilities of our EMS team.

11. Describe any real property (land and/or buildings) owned by the fire company or any related entities, including estimated market value and any liens against the property.

Firehouse - 8811 60th Ave Berwyn Heights - Estimated value $300k Rental Residences- 6007 & 6009 Seminole St Berwyn Heights - Estimated value $300k each Land Parcel- Seminole St & Cunningham Dr Berwyn Heights- Estimated value $200k

12. Please provide any additional information concerning the financial condition of the fire company or your need for the apparatus or equipment that you feel would be helpful to the Mayor and Council in deciding on your grant application.

The BHVFD prides itself on making sound financial decisions based on a tumultuous and fluid income stream. We have a dedicated Board of Directors, involved operational staff, and financial advisors who advise and approve any expenditure outside of normal operating expenses. The BHVFD is financially stable, however does not foresee any large increases in income to keep up with large increases in operating costs and prices of replacement apparatus. The FD Capital Equipment Grant from the City of College Park has been instrumental in ensuring that the BHVFD continues to provide the highest level of service to the citizens and visitors of College Park for over 50 years.
RE: FY2018 Fire Department Capital Equipment Grant

HOLD HARMLESS AGREEMENT

In consideration for the receipt of certain grant monies from the City of College Park, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Berwyn Heights Volunteer Fire Department & Rescue Squad, Inc. does hereby agree to indemnify and hold the City of College Park, its agents, servants and employees, harmless from and against any and all claims, demands, actions, causes of action, suits, and proceedings by others, and against all liability for damages, including attorneys fees, incurred by reason of or arising from any program, class, equipment or activity for which funds provided by the City of College Park are used directly or indirectly, regardless of whether or not the City is named as a sponsor.

Berwyn Heights Volunteer Fire Department & Rescue Squad, Inc.

By: ____________________________
    James Hurley

Title: President

Dated: 1/15/19
City of College Park
FY2017 Fire Department Capital Equipment Grant Application

GENERAL INFORMATION:

Name of Fire Department: Branchville Volunteer Fire Company

Address: 4905 Branchville Road

City/State/Zip: College Park/ MD/ 20740

Contact Person/Title or Rank: Frank Underwood- Treasurer

Telephone Number: Cell 301-318-9212 FAX Number: 301-474-2738

Use of Grant Funds:
The City of College Park has established a Fire Department Capital Equipment project in its Capital Improvement Program (C.I.P.) to assist fire companies providing first response to residents of the City with capital equipment purchases. Capital equipment purchases under this grant program may be used for one-time purchases, or approved grant funds may be escrowed for combination with grant funds, if any, appropriated in subsequent fiscal years. The maximum capital equipment grant per fire company, based on demonstrated need, for fiscal year 2019 is $25,000. Mayor and Council will make its decision based on submitted applications, and shall exercise total discretion in the award of grants.

Tax Return Submittal:
Tax returns are no longer required to be submitted with the application.

Electronic Version of Application:
If you would like to receive an electronic version of this application (in Word format), please e-mail sgroh@collegeparkmd.gov.

********************************************

We, the authorized representatives of the applicant fire company, have completed or directed the completion of this application for the City of College Park Fire Department Capital Equipment Grant and confirm that the information contained herein is true and correct to the best of our knowledge, information and belief.

_________________________  ____________________________
Signature/Date Signature/Date

_________________________
Printed Name/Title or Rank

_________________________
Printed Name/Title or Rank
Requested information may be provided on attachments if referenced to the appropriate item numbers.

1. What are your company’s first response boundaries? What neighborhoods within the City are included in that area?

Route One From Berwyn Road to 495 North & 95. To include the following: Sunnyside, Westchester Park, Springhill Lake, and The University of Maryland.

2. Do you have any specialized responsibilities (e.g., hazardous materials, emergency medical services)?

Stone Industries, University of Maryland Dept of Animal Sciences, the old Washington Post, and The USDA

3. List your current apparatus or equipment, providing year, vehicle type, owner, scheduled replacement date, current mechanical condition (and list owner) owned by the fire company or any related entities.

All owned by Branchville Volunteer Fire Company.
E-111 2010 Pierce Pumper Replace 2020
E-112 2016 Pierce Pumper Replace 2025
A-119 2017 F-550 Ambulance Replace 2027
A-118 2011 F-450 Ambulance Replace 2020
A-117 2016 F-450 Ambulance Replace 2023
C-11B 2006 Ford Expeditions Replace 2019
C-11 2014 Chevy Tahoe Replace 2022
U-11 F-250 pick-up Replace 2025

4. Explain the deficiencies of your current equipment based on your fire company’s responsibilities.

Every year the amount of increased calls causes more repairs. Budgets get strained due to maintenance.

5. Describe the equipment you would purchase with this grant, including estimated acquisition cost and the projected timing of your purchase.

During our convention in Ocean City this past year our c-11a (2006 Expedition) was hit and totaled. Insurance covered some cost toward replacement. Our project is to get rid of our other 2006 (c-11b) and replace with one new chief’s vehicle at a cost of approximately 60k.

6. Is this the least expensive piece of equipment that would serve this purpose? If not, please justify
the additional expenditure.

Yes, in order to continue providing the high-quality level of service our citizens have come to expect, this provides us with the opportunity to provide a better atmosphere in light of the high volume of turnover many volunteer companies are facing within their memberships. These rooms will allow the members the comforts of home while providing quality emergency service to the residents of the City of College Park. State-of-the-art apparatus is a must.

7. Is this equipment being purchased for your primary or “core” service? If not, please explain.

Yes. While not a core service it allows us to maintain an active membership, who in turn, provide the core service of the Volunteer Fire and Rescue Company.

8. If the total acquisition costs exceed this grant request, explain how you would fund the remainder?

The remaining balance above and beyond the grant monies received would be paid for by our various fundraising projects, i.e. ... bingo and our annual fund drive.

9. Are there any plans for your fire company to receive additional apparatus from Prince George’s County? If yes, describe apparatus and timing of scheduled delivery.

No.

10. Are there any plans for your fire company to expand or add additional services? If so, what additional apparatus do you plan to purchase to provide these services?

No.

11. Describe any real property (land and/or buildings) owned by the fire company or any related entities, including estimated market value and any liens against the property.

4905 Branchville Road- site of our current station
Approximate Value--- $1.2 million.

12. Please provide any additional information concerning the financial condition of the fire company or your need for the apparatus or equipment that you feel would be helpful to the Mayor and Council in deciding on your grant application.

The core function of the BVFC&RS, Inc., for the past 92 years has been to deliver quality firefighting and EMS care to the citizens of the greater Branchville area. Even though our
responsibilities have expanded and our obligations to the citizens have increased, there are no plans within the Prince George’s County Fire/EMS Department to provide us with additional resources.
RE: FY2019 Fire Department Capital Equipment Grant

HOLD HARMLESS AGREEMENT

In consideration for the receipt of certain grant monies from the City of College Park, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, Branchville Volunteer Fire Company & Rescue Squad, Inc. does hereby agree to indemnify and hold the City of College Park, its agents, servants and employees, harmless from and against any and all claims, demands, actions, causes of action, suits, and proceedings by others, and against all liability for damages, including attorneys fees, incurred by reason of or arising from any program, class, equipment or activity for which funds provided by the City of College Park are used directly or indirectly, regardless of whether or not the City is named as a sponsor.

Branchville Volunteer Fire Company & Rescue Squad, Inc.

By: 

Title: 

Dated: 1/16/19
City of College Park
FY2019 Fire Department Capital Equipment Grant Application
(Deadline: January 22, 2019)

GENERAL INFORMATION:

Name of Fire Department: College Park Volunteer Fire Department, INC
Address: 8115 Baltimore Avenue
City/State/Zip: College Park, MD 20740
Contact Person/Title or Rank: William J. Corrigan, Chief
Telephone Number: 301-901-9112  FAX Number: 301-901-9115
E-mail Address: wcorriga@umd.edu

Use of Grant Funds:
The City of College Park has established a Fire Department Capital Equipment project in its Capital Improvement Program (C.I.P.) to assist fire companies providing first response to residents of the City with capital equipment purchases. Capital equipment purchases under this grant program may be used for one-time purchases, or approved grant funds may be escrowed for combination with grant funds, if any, appropriated in subsequent fiscal years. The maximum capital equipment grant per fire company, based on demonstrated need, for fiscal year 2019 is $25,000. Mayor and Council will make its decision based on submitted applications, and shall exercise total discretion in the award of grants.

Tax Return Submittal:
Tax returns are not required to be submitted with the application.

Electronic Version of Application:
If you would like to receive an electronic version of this application (in Word format), please e-mail gfields@collegeparkmd.gov.

We, the authorized representatives of the applicant fire company, have completed or directed the completion of this application for the City of College Park Fire Department Capital Equipment Grant and confirm that the information contained herein is true and correct to the best of our knowledge, information and belief.

[Signature/Date]
William J. Corrigan, Chief
[Printed Name/Title or Rank]
efficient piece of equipment that meets all operational requirements of the department.

7. Is this equipment being purchased for your primary or “core” service? If not, please explain.

Yes, Basic Life Support Ambulance

8. If the total acquisition costs exceeds this grant request, explain how you would fund the remainder?

Additional funding provided through State Amos 508 Grant Funding and routine annual fund raising activities.

9. Are there any plans for your fire company to receive additional apparatus from Prince George’s County? If yes, describe apparatus and timing of scheduled delivery.

None at this time.

10. Are there any plans for your fire company to expand or add additional services? If so, what additional apparatus do you plan to purchase to provide these services?

We will be adding the capabilities of a 3rd EMS Transport Unit with the new A127 this year.

11. Describe any real property (land and/or buildings) owned by the fire company or any related entities, including estimated market value and any liens against the property.

Small parcel of land on Roanoke Place that we are currently attempting to sell.

12. Please provide any additional information concerning the financial condition of the fire company or your need for the apparatus or equipment that you feel would be helpful to the Mayor and Council in deciding on your grant application.

Increasing requirements on apparatus and equipment standards has significantly added to the cost of purchasing this vital equipment, with vehicles now costing from $275,000 to over $1 Million depending on function. Increased call volume as the area continues to expand also shortens the expected lifespan of this equipment necessitating a quicker replacement cycle.
**Requested information may be provided on attachments if referenced to the appropriate item numbers.**

1. What are your company’s first response boundaries? What neighborhoods within the City are included in that area?

   Southern Tier of City – Old Town, Calvert Hills, Lakeland, Berwyn, UMD

2. Do you have any specialized responsibilities (e.g., hazardous materials, emergency medical services)?

   CPVFD provides emergency medical services at the basic and advanced level, hazardous materials response as well as unique off-road/trail network response to a variety of emergencies.

3. List your current apparatus or equipment, providing year, vehicle type, owner, scheduled replacement date, current mechanical condition (and list owner) owned by the fire company or any related entities.

   E121 2002 ALF Pumper, 2014 Rehab, Good Condition (2022)
   E122 2012 Pierce Pumper, Excellent Condition (2032)
   Truck 12 2017 Pierce Ladder Truck, Excellent Condition (2032)
   Foam 12 1992 Spartan/Darley Foam/HazMat, Fair Condition (2022)
   Amb129 2006 Chevrolet/Horton, Fair Condition (2020)
   Amb128 2010 Chevrolet/PL Custom, Good Condition (2022)
   Amb127 2019 Ford F-550 4WD/Horton, Excellent Condition (2029)
   Cart 12 2017 Polaris/ASAP Off Road Vehicle, Excellent Condition (2035)
   Utility 12 2018 Ford F-350 4WD Utility Response Vehicle, Excellent Condition (2030)

4. Explain the deficiencies of your current equipment based on your fire company’s responsibilities.

   A129 is our oldest transport unit at 12 years old. The original plan was to completely replace it with the new unit just delivered but we are now maintaining 3 BLS units. The department is now looking to replace A129 in 2020.

5. Describe the equipment you would purchase with this grant, including estimated acquisition cost and the projected timing of your purchase.

   A new ambulance was recently delivered to the CPVFD and will be placed in service shortly as training is completed. Originally this unit was to be a replacement for A129 but the department has decided to add this unit as a 3rd BLS Unit to expand our capabilities to provide extra service during busier time periods and special events.

6. Is this the least expensive piece of equipment that would serve this purpose? If not, please justify the additional expenditure.

   Purchasing will be conducted via competitive bid using multiple vendors to produce the most cost-
RE: FY2019 Fire Department Capital Equipment Grant

HOLD HARMLESS AGREEMENT

In consideration for the receipt of certain grant monies from the City of College Park, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, College Park Volunteer Fire Department, Inc. does hereby agree to indemnify and hold the City of College Park, its agents, servants and employees, harmless from and against any and all claims, demands, actions, causes of action, suits, and proceedings by others, and against all liability for damages, including attorneys fees, incurred by reason of or arising from any program, class, equipment or activity for which funds provided by the City of College Park are used directly or indirectly, regardless of whether or not the City is named as a sponsor.

College Park Volunteer Fire Department, Inc.

By: _____________________________

Title: Chief

Dated: 11/10/2019
19-G-10

Letter to Prince George’s County expressing interest in acquisition of Rhode Island Avenue
City of College Park, Maryland  
Regular Council Meeting Agenda Item

**Agenda Item Number:** 19-G-10

**Prepared By:** Bill Gardiner  
Assistant City Manager

**Presented By:** Scott Somers  
City Manager

**Meeting Date:** January 29, 2019  
**Consent Agenda:** Yes

**Originating Department:** Administration

**Action Requested:** Approve sending a letter to the County Executive expressing the City’s interest in discussing terms for the City to take over ownership and maintenance of Rhode Island Avenue from University Boulevard to Paducah Road.

**Strategic Plan Goal:** Goal 4: Quality Infrastructure

**Background/Justification:**
Rhode Island Avenue is a major north-south road for City residents and visitors. The segment in the City between University Boulevard and Paducah Road is owned and maintained by Prince George’s County. Over the years City and County staff have informally discussed the possible transfer of ownership. This issue came up more recently around discussions of creating protected bike lanes on Rhode Island Avenue. The design of the lanes requires County approval.

Late last year City staff held a preliminary meeting with County Department of Public Works and Transportation (DPW&T) staff to explore the County’s maintenance schedule for the road, and possible interest in transferring it to the City. The potential benefits to the City are the ability to maintain the road and entire ROW at a higher standard and install bike lanes and other improvements without needing County approval. The potential disadvantages are costs not fully offset by an increase in Maryland Highway Users Revenue.

The County has rough estimates on the cost of milling and paving the road, but this work has not been scheduled. City staff expressed the need for the County to either bring the road up to standard or provide some other consideration as part of a potential transfer.

City Council and staff discussed this issue at the January 22nd Worksession, and Council indicated support for sending the letter to the County Executive.

**Fiscal Impact:**
The potential fiscal impact cannot be estimated at this time. If the City and County negotiate preliminary terms for consideration by the respective elected bodies, the anticipated costs will be provided to the Council.

**Council Options:**
1. Authorize the Mayor to sign the attached letter and the City Manager to continue discussions with the County if the County is interested.
2. Amend the letter and authorize the Mayor to sign it and the City Manager to continue discussions with the County within the parameters of the amended letter.
3. Decline to continue discussions with the County regarding the possible transfer of this segment of Rhode Island Avenue.

**Staff Recommendation:** #1

**Recommended Motion:** I move to authorize the Mayor to sign the attached letter to the County Executive that expresses the City’s interest in negotiating the transfer of a part of Rhode Island Avenue to the City, and to authorize the City Manager to continue these discussions with County staff.
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<th>Attachments:</th>
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<td>Letter from the Mayor to County Executive Angela Alsobrooks</td>
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</table>
January 29, 2019

The Honorable Angela D. Alsobrooks, County Executive
Prince George’s County
1301 McCormick Drive, Suite 400
Largo, MD 20774

RE: Rhode Island Avenue – University Blvd to Paducah Road

Dear County Executive Alsobrooks:

In recent years, County Department of Public Works & Transportation (DPW&T) staff have expressed to City staff that the County might be interested in transferring a segment of Rhode Island Avenue to the City of College Park. Late last year, the City Manager and City staff met with DPW&T staff to discuss this possibility, and City staff subsequently discussed the matter with the City Council.

Rhode Island Avenue is a critical north-south artery for our businesses and residents. Unfortunately, it has not been maintained at the level we all would support. At a minimum, the pavement needs to be milled, resurfaced, and striped for bike lanes; the shoulders require regrading to remove accumulated debris built up over the decades; and many traffic signs are outdated. DPW&T staff have indicated that this work has not been budgeted in the County’s street maintenance plans.

The City Council would like the County to consider the transfer of ownership of Rhode Island Avenue between University Boulevard and Paducah Road to the City. The property on which Rhode Island Avenue is located was transferred to Prince George’s County in 1951 by Capital Transit Company, when it relinquished its trolley train holdings.

We understand that the City and County would have to negotiate a process and responsibility to bring the road up to standard prior to the transfer, as well as the future ownership and maintenance responsibilities of the traffic signal at Rhode Island Avenue and Edgewood Road. The City is willing to assume the operation and maintenance costs of the existing streetlights over Rhode Island Avenue. We would expect the County to continue to be responsible for its existing and future stormwater infrastructure along Rhode Island Avenue. The City maintains the vegetation along Rhode Island Avenue under an agreement with DPW&T, and of course we would continue to do this maintenance.
Thank you for your attention and consideration of this request, and please let us know if you are interested in the County and City continuing this discussion. I look forward to hearing from you.

Sincerely,

Patrick L. Wojahn
Mayor

cc: Council Member Dannielle Glaros, District 3
    Council Member Thomas E. Dernoga District 1
Approval of a letter requesting that the County accelerate completion of the Calvert Hills Drainage project
Prepared By: Steven E. Halpern, P.E., City Engineer
Presented By: Scott Somers, City Manager

Meeting Date: January 29, 2019
Consent Agenda: Yes

Originating Department: Administration

Action Requested: Approval of a letter to County Executive Alsobrooks requesting acceleration of the Calver Hills Drainage Improvement Project

Strategic Plan Goal: Goal 4: Quality Infrastructure

Background/Justification:
The Calvert Hills neighborhood has experienced severe flooding and property damage from significant rain events for many years. The County's Department of the Environment began studying the flooding problem in 2009. As a result of the study it was determined that they could provide some relief to the community and initiated a project. The project is totally funded but is proceeding at a snail’s pace.

At the January 22 Worksession, Department of the Environment (DOE) staff presented to Council the status of the Calvert Hills Drainage Improvement Project and indicated that the construction would begin sometime in 2021. At a prior DOE presentation to Council on September 11, 2017, we were advised that construction would begin by June 2019, and before that, we were advised that the construction would begin in 2017. The community is anxiously awaiting these improvements and is unhappy with the repeated delays.

At last week’s Worksession, Council directed that we prepare a letter to the County Executive requesting support to accelerate this project to construction.

Fiscal Impact:
The loss of quality housing and damage to City infrastructure

Council Options:
1. Authorize the Mayor to sign the attached letter and the City Manager to continue to follow up with County project staff.
2. Amend the letter and authorize the Mayor to sign it and the City Manager to continue to follow up with County project staff.
3. Do nothing and let the project proceed at its current pace.

Staff Recommendation:
#1

Recommended Motion:
I move that we send the attached letter to the Honorable Angela D. Alsobrooks requesting her assistance in expediting the Calvert Hills Drainage Improvement Project.

Attachments:
Draft letter from the Mayor to County Executive Angela Alsobrooks
January 29, 2019

The Honorable Angela D. Alsobrooks, County Executive
Prince George’s County
1301 McCormick Drive, Suite 400
Largo, MD  20774

RE: DOE Project - Calvert Hills Drainage Improvement Project

Dear County Executive Alsobrooks:

The City of College Park requests your assistance in accelerating the Calvert Hills Drainage Improvement Project which began in 2009. Department of the Environment (DOE) staff presented to Council on the status of the Calvert Hills Drainage Improvement Project (the “Project”) at our January 22nd Worksession and indicated that the construction would begin sometime in 2021. At the previous DOE presentation on September 11, 2017 we were advised that construction would begin by June 2019. At a prior presentation we were advised that the construction would begin in 2017.

The City Council was dismayed to be advised again that the project was pushed back another two years, especially when we were informed that the project is fully funded. We questioned DOE staff regarding the delay, and we were informed that the budgeted funds for this project are not being dispersed in timely fashion, thereby delaying the engineering which delays the construction.

The project was initiated to address severe periodic flooding in the Calvert Hills neighborhood. The community has been waiting patiently for this project to be constructed. It has been 12 years since we reached out to the County for help and our residents are deeply concerned by the repeated delays. It appears that we will not see any relief for another 5 years at this rate.

The City Council is requesting your assistance with accelerating this project before further flood damage occurs.

Thank you for your attention and consideration of our request. If we can assist in any way, please let us know. I look forward to hearing from you.

Sincerely,

Patrick L. Wojahn
Mayor

cc:  Council Member Dannielle Glaros, District 3
     Council Member Thomas E. Dernoga District 1
19-G-12

1) Memorandum of Agreement with the Maryland Historical Trust, the City and the University regarding 4601 Calvert Road

2) the Site Plan and final design of University of Maryland Childcare Center at 4601 Calvert Road
CITY OF COLLEGE PARK, MARYLAND
REGULAR COUNCIL MEETING AGENDA ITEM

Agenda Item: 19-G-12

Prepared By: Kacy Rohn, Community Development Planner
Meeting Date: January 29, 2019
Presented By: Scott Somers, City Manager
Proposed Consent Agenda: No

Originating Department: City Manager, Planning, Community & Economic Development

Issue Before Council: Approval of 1) a Memorandum of Agreement with the Maryland Historical Trust, Maryland Department of Housing and Community Development, the City and the University regarding 4601 Calvert Road and 2) the site plan and final design of the University of Maryland Childcare Center at 4601 Calvert Road

Strategic Plan Goal: Goal 3: High Quality Development and Reinvestment

Background/Justification:
In 2015, the Maryland Department of Housing and Community Development (DHCD) awarded the City a Community Legacy grant to fund hazardous materials remediation at 4601 Calvert Road. Under the terms of that grant, the project was submitted to the Maryland Historical Trust (MHT), the state historic preservation office, for review. MHT assesses all state-funded projects to determine whether they will negatively impact historic resources. MHT staff reviewed the environmental remediation and the full plans for redevelopment of the facility as a child care center.

In October 2018, MHT found that the proposed plans constitute an “adverse effect” to the 1938 school building and to the Calvert Hills National Register Historic District. The demolition of the original rear wing, removal of the historic interior layout, modification of the historic front door, and removal of historic steel windows were found to be incompatible with preservation standards. This finding required resolution under state law.

As a result of this determination, the City, University, DHCD, and MHT began a legally mandated consultation process to explore options to avoid, minimize, or mitigate the adverse effects. Additional invited participants included representatives of the County’s Historic Preservation Commission, Maryland Milestones/Anacostia Trails Heritage Area, and the Old Town College Park Local Advisory Committee. The principal parties met several times to discuss the plans and potential alternatives.

The attached Memorandum of Agreement (MOA) represents the consensus reached through these conversations. It reflects efforts to minimize some impacts to the main block of the historic structure and mitigate the loss of other original features while remaining sensitive to the financial and time constraints of the project.

The attached draft MOA (Attachment 1) represents City staff’s proposed language. Final negotiations on the terms of the MOA are still underway. Once the MOA is executed by all parties, remediation and demolition will begin. Staff is seeking Council approval to finalize and execute the agreement.

The Term Sheet previously approved by the Council provides for City review and approval of the site plan and final design. The University of Maryland presented these plans at a City Council worksession on September 4, 2018 and staff recommends approval of the site plan and final design subject to the terms of the MOA.

Fiscal Impact: None
**Council Options:**
1. Approval of the MOA in substantially the terms attached as well as the site plan and final design for 4601 Calvert Road.
2. Propose modifications to the terms of the MOA and/or the site plan and final design.
3. Defer approval of the MOA and/or the site plan and final design.

**Staff Recommendation:**
#1

**Recommended Motion:**
*I move that the City Council approve the Memorandum of Understanding (MOA) prepared by the Maryland Historical Trust for the former College Park Elementary School in substantially the form attached and approve the site plan and final design for a Childcare Center at 4601 Calvert Road subject to the terms of the MOA.*

**Attachments:**
1) Draft Memorandum of Agreement
MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
THE MARYLAND HISTORICAL TRUST,
THE CITY OF COLLEGE PARK,
AND
UNIVERSITY OF MARYLAND, COLLEGE PARK
REGARDING
THE REMEDIATION AND RENOVATION OF THE COLLEGE PARK ELEMENTARY
SCHOOL
PRINCE GEORGE’S COUNTY, MARYLAND

WHEREAS, the City of College Park (City) proposes to use Fiscal Year 2016 State Revitalization Program grant funds (the Grant) provided by the Maryland Department of Housing and Community Development (DHCD) to fund the pre-construction remediation (the Undertaking) of the College Park Elementary School Building (the College Park Elementary School), located at 4601 Calvert Road in College Park, Maryland (the Property) (all identified on Exhibit A within a black dashed line); and

WHEREAS, Pursuant to The Maryland Historical Trust Act of 1985, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland (the Act), as amended, DHCD in preparing to fund the Grant has consulted with the Maryland Historical Trust (MHT) regarding the identification of historic properties in the vicinity of the Undertaking; the expected effects of the Undertaking on surrounding historic properties; and ways to avoid, reduce, and mitigate adverse effects to historic properties; and

WHEREAS, in addition to the planned remediation of the College Park Elementary School, the City, as the ground lessor, and the University of Maryland, College Park (the University), as a ground lessee, have or will be entering into a ground lease for the Property with a term of 40 years, under which the City and the University have agreed to (a) the demolition of a portion of the College Park Elementary School, while preserving a portion of the historic façade and its entryway, and (b) the construction of an approximately 12,600 gross square foot adjoining structure on the Property, for the use and operation of a “Child Care Facility”; and

WHEREAS, the University (a) will fund the demolition and construction of the College Park Elementary School (the Redevelopment) through the Maryland Economic Development Corporation (MEDCO), at no expense to the City other than the Grant for the pre-construction remediation, and (b) will contract and deal with the Child Care Facility operator; and

WHEREAS, the College Park Elementary School (PG:66-37-49) is a contributing element of the Calvert Hills Historic District (PG:66-37) which is listed in the National Register of Historic Places; and

WHEREAS, DHCD has determined the Area of Potential Effect (APE) for the Undertaking, in consultation with MHT, consists of the historic district, including buildings that contribute to the significance of the historic district; and

WHEREAS, DHCD acknowledges the University’s determination that, beyond the preservation of a portion of the College Park Elementary School’s existing façade, the remainder of the existing structure cannot be incorporated into the design of the proposed expansion due to the structure’s existing layout
and the design requirements (including accessibility requirements) needed for the Redevelopment of the College Park Elementary School as an operational Child Care Facility; and

WHEREAS, DHCD has consulted with the City and the University regarding the effects of the Undertaking and Redevelopment on any surrounding historic properties, and informed the City and the University that they will have certain responsibilities for implementing stipulations under this Memorandum of Agreement (Agreement) and they have been invited to sign this Agreement as Invited Signatories; and

WHEREAS, MEDCO has been part of the described consultations and is aware of this Agreement and the effects of the Undertaking and Redevelopment on historic properties; and

WHEREAS, DHCD has identified and consulted with the following parties: Old Town College Park Local Advisory Committee, the Maryland National Capital Park & Planning Commission, and the Maryland Milestones Anacostia Trails Heritage Area as Consulting Parties regarding the effects of the Undertaking and Redevelopment on historic properties; and

WHEREAS, the City and the University solicited comments of the public, nearby property owners and other potentially-interested parties, and have taken their comments into account during project planning and the decision to proceed with the Undertaking and the Redevelopment; and

WHEREAS, DHCD, in consultation with MHT, has determined that the Undertaking will have an adverse effect on the historic district and the College Park Elementary School; and

WHEREAS, DHCD, MHT, the City and the University (the Signatories) agree to execute this Agreement in counterparts with a separate signature page for each Signatory. The exchange of copies of this Agreement and of signature pages by facsimile or by electronic transmission shall constitute effective execution and delivery of this Agreement to the parties and may be used in lieu of the original Agreement for all purposes. Signatures of the parties transmitted by facsimile or electronic transmission shall be deemed to be their original signatures for all purposes; and

WHEREAS, MHT agrees that the fulfillment of the terms of this Agreement will satisfy the responsibilities of any other Maryland state agency under the requirements of the Act for the components of the Undertaking and Redevelopment that require licensing, permitting, and/or funding from Maryland state agencies; and

WHEREAS, this Agreement stipulates the measures that the Signatories to this Agreement agree to carry out in order to mitigate the adverse effects of the Undertaking and the Redevelopment;

NOW, THEREFORE, the Signatories agree that the Undertaking and the Redevelopment shall be carried out in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.
STIPULATIONS

DHCD shall ensure the following measures are carried out:

1. **MINIMIZATION:**

   The City has reviewed the design plans, prepared November 6, 2018, with Addendum #1 dated December 18, 2018 by hord/coplan/macht and agree to accept said plans on condition that said plans are amended as follows:

   Replace the full metal door on the basement level of the north elevation with a half glass aluminum clad wood door, after providing a revised elevation of the door to the City.

   On the north elevation, reflect that the two windows on the first floor shall be restored by re-glazing the existing frame with single pane clear glass, scraping and painting the frame and adding a fixed glass storm window in the interior of the widows.

   On the east and west elevations, re-glaze the existing frame of the narrow windows behind the grilles with a single pane clear glass, scraping and painting the window frame, and adding a fixed glass storm window in the interior of the windows.

   UMD is assessing the remaining windows and getting an estimate for restoration. Assuming that the cost of restoration will exceed the cost of replacement, the remaining windows (which include actual windows or window openings) will be replaced with aluminum clad wood as proposed by the University in the plans with the exception that window type W-3, will have a double mullion added to match the window’s true configuration. The replacement windows will not match in function but will match in appearance as closely as possible. The windows will be fixed but mimic the hopper style of the historic windows.

   The University shall prepare drawings of the existing historic windows vs. the proposed replacements for comparison and provide these to DHCD, MHT and the City for review prior to removal of the existing windows.

   On the north elevation, provide and install an unequal leaf door (3’ leaf and 2’ leaf) that will be made to appear as an equal leaf (2’6”) door with a consistent divided light pattern while retaining the historic transom and side lights. The University shall prepare drawings of the existing historic doors vs. the proposed replacements for comparison and provide these to DHCD, MHT and the City for review prior to removal of the existing windows.

   Flagpole will be retained, painted and made operable. The historic school bell will be maintained.

2. **MITIGATION:**

   A. Documentation:
i. MHT shall be provided with a Maryland Inventory of Historic Properties Form (MIHP Form) on the historic College Park Elementary School (PG:66-37-49).

ii. The MIHP Form shall be submitted to MHT for review and written approval prior to the execution of this MOA. If MHT does not respond with either comments or approval within thirty (30) days after receiving the MIHP Form, then MHT will be deemed to have approved the form and the City and the University may proceed with the Undertaking and the Redevelopment.

iii. The MIHP Form shall conform to The Standards and Guidelines for Architectural and Historical Investigations in Maryland (Standards and Guidelines).

iv. The MIHP Form shall include archival photographs that conform to either the black-and-white photography standards described on pages 36-7 of the Standards and Guidelines or the standards for digital images described in Guidelines and Resources for Compliance-Generated Determinations of Eligibility (DOEs), Appendix E - Guidelines for Digital Images.

v. The MIHP Form shall be prepared by an individual meeting the Secretary of the Interior’s Professional Qualifications Standards (48 FR 44716) for architectural history or historic architecture.

vi. The City and University may proceed with the Undertaking and the Redevelopment without further coordination with MHT once Stipulation 2.A is complete.

B. Public Interpretation:

i. The University will fund the development, fabrication, and installation of a graphic display interpreting the history and architectural design of the historic Calvert Road School.

ii. The University will collaborate with the City on the design and content of the display.

iii. The University will submit to the City and MHT illustrations of the planned display, including proposed text, images, materials, and placement, for review and written approval within one (1) year after the execution of this MOA. If the City and MHT do not respond with either comments or approval within sixty (60) days after receiving the illustrations, then the City and MHT will be deemed to have approved the display.

iv. The graphic display will be permanent and installed in a prominent public area such as the lobby or community room within 90 days of the Child Care Facility opening.

v. Fabrication and installation of the graphic display will be concurrent with the Redevelopment.

vi. The University shall provide MHT with photographs (non-archival digital images) of the installed display within (90) days of the Child Care Facility opening.

vii. University will collaborate with Anacostia Trails Heritage Area as requested on fabrication and installation of a Civil Rights Trail marker or signage.

viii.

C. Architectural Salvage:

i. The University will salvage and donate historic features that are planned for demolition including the vestibule, historic bricks, windows, doors, interior railings and blackboards.

ii. A list of materials that were salvaged and donated must be submitted to the City and DHCD within 30 days of demolition.
2. **RESOLUTION OF OBJECTIONS BY THE PUBLIC:** At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement or the effect of the undertaking on historic properties be raised by a member of the public, DHCD shall notify the Signatories to this Agreement and take the objection into account, consulting with the objector and, should the objector so request, with any of the Signatories to this Agreement to resolve the objection.

3. **AMENDMENTS:** The Signatories may amend this Agreement by proposing such amendments in writing. No amendment to the Agreement will be effective until signed by all Signatories to the Agreement.

4. **DISPUTE RESOLUTION:** Should any Signatory of this Agreement object to any actions carried out pursuant to this Agreement or any actions which are not being carried out as required by this Agreement, the Signatories will consult to resolve the dispute. If the dispute cannot be resolved, the Director of MHT and the Secretary of DHCD will consult and identify a resolution in accordance with the requirements of the Act and in consideration of the conditions of the Undertaking and the Redevelopment. All other requirements of this Agreement which are not the subject of the dispute will remain unchanged.

5. **TERMINATION:** DHCD, MHT, the City or the University may terminate this Agreement, for cause, by providing thirty (30) days notice to the other Signatories, provided the Signatories consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, DHCD and the Director of MHT will consult in accordance with Stipulation 4 of this Agreement to determine if any additional actions are necessary to comply with the Act.

6. **DURATION:** This Agreement shall be null and void if its terms are not carried out within three (3) years from the date of last signature, unless the Signatories agree in writing to an extension for carrying out its terms.

Execution of this Agreement and implementation of its terms evidences that the requirements of the Act have been met for the Undertaking and the Redevelopment.

(Signatures follow on the next pages.)
MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
THE MARYLAND HISTORICAL TRUST,
THE CITY OF COLLEGE PARK
AND
UNIVERSITY OF MARYLAND, COLLEGE PARK
REGARDING
THE REMEDIATION/REDEVELOPMENT OF THE COLLEGE PARK ELEMENTARY
SCHOOL
PRINCE GEORGE’S COUNTY, MARYLAND

THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BY: ______________________________________ DATE: ________________
Kenneth C. Holt
Secretary
Maryland Department of Housing and Community Development

Approved as to form and legal sufficiency
this _____ day of _____________, 20__.

_______________________________
Assistant Attorney General
MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
THE MARYLAND HISTORICAL TRUST,
THE CITY OF COLLEGE PARK
AND
UNIVERSITY OF MARYLAND, COLLEGE PARK
REGARDING
THE REMEDIATION/REDEVELOPMENT OF THE COLLEGE PARK ELEMENTARY
SCHOOL
PRINCE GEORGE’S COUNTY, MARYLAND

MARYLAND HISTORICAL TRUST

BY: ______________________________________ DATE: ______________

Elizabeth Hughes
Director, Maryland Historical Trust
State Historic Preservation Officer
MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
THE MARYLAND HISTORICAL TRUST,
THE CITY OF COLLEGE PARK
AND
UNIVERSITY OF MARYLAND, COLLEGE PARK
REGARDING
THE REMEDIATION/REDEVELOPMENT OF THE COLLEGE PARK ELEMENTARY SCHOOL
PRINCE GEORGE’S COUNTY, MARYLAND

CITY OF COLLEGE PARK

BY: ________________________________ ________________________________
    Scott Somers                     Janeen S. Miller, CMC, City Clerk

City Manager

DATE: ____________________________

Approved as to form and legal sufficiency:

________________________________
Suellen M. Ferguson, City Attorney
MEMORANDUM OF AGREEMENT
AMONG
THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
THE MARYLAND HISTORICAL TRUST,
THE CITY OF COLLEGE PARK
AND
UNIVERSITY OF MARYLAND, COLLEGE PARK
REGARDING
THE REMEDIATION/REDEVELOPMENT OF THE COLLEGE PARK ELEMENTARY
SCHOOL
PRINCE GEORGE’S COUNTY, MARYLAND

UNIVERSITY OF MARYLAND, COLLEGE PARK

BY: ________________________________ DATE: ______________

Carlo Colella
Vice President for Administration and Finance
EXHIBIT A
Map of Property
Adoption of Ordinance 19-O-01
<table>
<thead>
<tr>
<th>CITY OF COLLEGE PARK, MARYLAND</th>
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<tr>
<td>REGULAR MEETING AGENDA ITEM</td>
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<td>AGENDA ITEM 19-O-01</td>
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**Prepared By:** Jill Clements, Director of Human Resources  
**Meeting Date:** 01/29/2019

**Presented By:** Jill Clements  
**Consent Agenda:** No

**Originating Department:** Human Resources

**Action Requested:** Adopt Ordinance 19-O-01 to amend Chapters 4 and 62 of the City Code.

**Strategic Plan Goal:** Goal 6: Excellent services

**Background/Justification:**
Chapter 4, Administrative Organization, and Chapter 62, Personnel and Employee Benefits, of the City Code require updating to reflect current practice and code references, to incorporate changes that have been approved by the Council, and to incorporate changes requested by the City Manager. The attached ordinance that shows the current language and the proposed changes was introduced on January 15 and the Public Hearing scheduled for January 29. Comments for some changes that may not be self-explanatory follow.

Chapter 4 ADMINISTRATIVE ORGANIZATION
§4-2, A. 2 – Remove reference to the Assistant City Manager and the Police Commissioner. The Assistant City Manager role is addressed elsewhere, and we do not have a Police Commissioner.

A.3 - The City Manager would like to have full authority to select the Assistant City Manager without the approval of the Mayor and Council; to eliminate the requirement of giving the Assistant City Manager a contract; and to eliminate the requirement for the Assistant City Manager to live in the City.

§4-3 The Department of Human Resources will be added to the list of departments and job titles to reflect changes that were made under City Manager Finz in 2003.

Eliminate 4 Attachment 1 – “Table 1 Organization Chart” as unnecessary. Since 1999 the City of College Park Organization Chart has been adopted by reference with the annual budget ordinance, as required, and is available there in updated form.

Chapter 62 PERSONNEL AND EMPLOYEE BENEFITS
ARTICLE I describing the Service Recognition Program for employees is eliminated. This function is described fully in the approved Personnel Regulations and does not need to be duplicated in the Code.

§62.-2 becomes §62.-1 and we have added the last sentence to clarify that elected and appointed officials are not entitled to employee benefits other than those required by law, such as workers compensation and the option to participate in the Maryland State Pension Plan.

§62-4 becomes §62-3 and the City Manager’s job description has been updated to reflect current duties. In the next section the Assistant City Manager’s job duties are eliminated and will be outlined, similarly to other employees, in a job description that is not part of the City Code.

§62-5 becomes §62-4 and in §62-4A language has been added to clarify what changes to personnel and employee benefits must be approved by the Mayor and Council.

§62-6 Conduct of Employees is eliminated because this topic is fully covered in the approved Personnel Regulations.
ARTICLE III Pension Plan is renamed, renumbered and rewritten to reflect what has been done. The pension plan currently described was terminated in the 1990s. The City joined the Maryland State Retirement and Pension System in 2014.

ARTICLE IV Local Government Health Benefits Trust is, renumbered and rewritten to reflect changes that have taken place over many years and leaves only language required for us to have participated in the Health Benefits Trust.

Fiscal Impact:
None

Council Options:
1. Adopt Ordinance 19-O-01.
2. Consider other options and changes.
3. Take no action.

Staff Recommendation:
#1

Recommended Motion:
I move to adopt Ordinance 19-O-01 to update and change Chapters 4, and 62 of the City Code to reflect current practice and code references, to incorporate changes that have been approved by the Council, and to incorporate changes requested by the City Manager. A public hearing was held on January 29, 2019.

Attachments:
1. Draft Ordinance 19-O-01
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CHAPTER 4, “ADMINISTRATIVE ORGANIZATION” BY REPEALING AND RE-
ENACTING §4-2, “GENERAL FORM OF ORGANIZATION”, §4-3, “DEPARTMENTS”,
§4-4, “FINANCE DEPARTMENT”, ENACTING §4-9, “HUMAN RESOURCES
DEPARTMENT”, RENUMBERING §§4-9 THROUGH 4-11, AND DELETING 4
ATTACHMENT 1, CITY OF COLLEGE PARK TABLE I, ORGANIZATION CHART;
AND AMENDING CHAPTER 62 “PERSONNEL AND EMPLOYEE BENEFITS” BY
DELETING ARTICLE I, “EMPLOYEE RECOGNITION PROGRAM”, §62-1
“OPERATION OF PROGRAM”, RENUMBERING ARTICLE II, “PERSONNEL
SYSTEM” AS ARTICLE I, AND ARTICLE IV, “LOCAL GOVERNMENT HEALTH
BENEFITS TRUST” AS ARTICLE III, RENUMBERING AND RENAMING ARTICLE
III, “PENSION PLAN” AS ARTICLE II, “PENSION AND RETIREMENT PLANS”
REPEALING AND RENACTING §§62-2 “ESTABLISHMENT; APPLICABILITY”,
“RESPONSIBILITIES OF MAYOR AND COUNCIL”, §62-8 “ADOPTION BY
REFERENCE”, §62-9 “PLAN TO BE LEGAL AND BINDING”, §62-12
“PARTICIPATION APPROVED”, AND DELETING §62-4.1 “RESPONSIBILITIES OF
THE ASSISTANT CITY MANAGER”, §62-6 “CONDUCT OF EMPLOYEES”, §62-7
“PAYMENT OBLIGATIONS” AND §62-15 “RESPONSIBILITIES OF CITY
OFFICIALS, EMPLOYEES AND AGENTS” TO MAKE CERTAIN CHANGES IN THE
PERSONNEL CODE, INCLUDING TO REMOVE OUTDATED OR UNNECESSARY
PROVISIONS, CHANGE CERTAIN REQUIREMENTS WITH RESPECT TO THE
ASSISTANT CITY MANAGER, REFLECT THE HUMAN RESOURCES
DEPARTMENT AS A CITY DEPARTMENT AND UPDATE CODE REFERENCES.

WHEREAS, pursuant to §5-201 et seq. of the Local Government Article, Annotated
Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to
pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens
of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapters 4 and 62 were adopted by the Mayor and Council to set the
organization and duties of the City Manager and City departments and work force and to provide
for salary, pay and classification, benefits and insurance; and
WHEREAS, a number of the provisions in Chapters 4 and 62 duplicate provisions of the Personnel Manual or other legislative enactments; and

WHEREAS, certain provisions in Chapters 4 and 62 do not conform to current City practice; and

WHEREAS, Chapters 4 and 62 require updating of provisions and code references; and

WHEREAS, the Mayor and Council have determined that the City Manager should select the Assistant City Manager; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to revise Chapters 4 and 62.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 4, “Administrative Organization”, §4-2, “General form of organization”, be and is hereby repealed, reenacted and amended to read as follows:

§ 4-2. General form of organization

The general form of organization for the government of the City shall be as follows:
(1) The Mayor and City Council shall have final authority and responsibility over all of the affairs of the City.
(2) The City Manager shall be the chief agent of the Mayor and Council, shall be responsible for the general operations of the City government and shall be directly responsible to the Mayor and Council for the conduct of said operation. The City Manager shall select and appoint an Assistant City Manager to assist the City Manager in the day-to-day management of the City. The City Manager shall also serve as the Police Commissioner pursuant to provisions of § C9-3 of the City Charter. The Assistant City Manager shall serve as Police Commissioner during the absence of the City Manager.
(3) Assistant City Manager. The Assistant City Manager shall be hired by the City Manager, subject to the approval of the Mayor and City Council. The terms and conditions of employment of the Assistant City Manager shall be set forth in a contract approved by the Mayor and City Council. The Assistant City Manager shall reside within the City of College
The Assistant City Manager shall perform such duties as the City Manager may require and shall act as the City Manager in the City Manager's absence.

(4) City Clerk. The City Clerk shall be within the jurisdiction of the City Manager. During the absence or unavailability of the City Clerk, the City Manager may designate some other City employee to serve as acting City Clerk.

(5) Such Citizens Advisory Boards as the Mayor and City Council may from time to time establish shall be directly responsible to the Mayor and Council and shall also act in an advisory capacity to the City Manager.

(6) The City Attorney shall be directly responsible to the Mayor and City Council and shall also act in an advisory capacity to the City Manager and the heads of the several departments.

(7) The heads of the several departments shall be directly responsible to the City Manager.

(8) The personnel employed by the several departments shall be directly responsible to the head of the department in which they are employed or to such supervisory personnel as said department head may designate.

B. * * * *

* * * *

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-3, “Departments”, be and is hereby repealed, reenacted and amended to read as follows:

§4-3. Departments.
A. The general government operations of the City shall be subdivided for administrative purposes in the following manner, each subdivision being designated a department and placed under the direct supervision of a department head appointed by the City Manager:

(1) Finance Department.
(2) Public Services Department.
(3) Public Works Department.
(4) Planning, Community and Economic Development Department.
(5) Youth, Family and Senior Services Department.
(6) HUMAN RESOURCES

B. The title of the several department heads shall be, respectively, as follows:

(1) Finance Director.
(2) Public Services Director.
(3) Public Works Director.
(4) Planning, Community and Economic Development Director.
(5) Youth, Family and Senior Services Director.
(6) HUMAN RESOURCES DIRECTOR

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-4, “Finance Department”, be and is hereby repealed, reenacted and amended to read as follows:

§ 4-4 Finance Department.
The Finance Department shall be responsible for the following operations and such other operations as may hereafter be assigned thereto by the Mayor and City Council and/or the City Manager:
A. – D. * * * *
E. [Personnel affairs.]
F. Maintenance of all City finance records.
[ G. ] F. Investments of City moneys made by the Finance Director and/or City Manager under the provisions of § 17-101 et seq., of the Local Government Article, Annotated Code of Maryland.
[H. ] G. All of the several financial affairs and operations of the City as to collections.
(1) – (3) * * * *
[I. ] H. Collection of all moneys due to the City, to include taxes, special assessments, penalties, interest, licenses, permits and charges for services.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-9 “Human Resources Department” be and is hereby enacted to read as follows:

§4-9. HUMAN RESOURCES DEPARTMENT.
THE HUMAN RESOURCES DEPARTMENT SHALL BE RESPONSIBLE FOR THE FOLLOWING OPERATIONS AND SUCH OTHER OPERATIONS AS MAY HEREAFTER BE ASSIGNED BY THE MAYOR AND CITY COUNCIL AND/OR THE CITY MANAGER:

A. ADMINISTER THE PERSONNEL SYSTEM
B. MAINTAIN ALL PERSONNEL RECORDS
C. OVERSEE THE EMPLOYMENT PROCESS, INCLUDING RECRUITING, EXAMINING, INVESTIGATING AND DETERMINING QUALIFICATIONS FOR ALL POSITIONS IN THE PERSONNEL SYSTEM.
D. ADMINISTER EMPLOYEE BENEFITS, INSURANCE, PENSION AND RETIREMENT.
E. ADMINISTER BARGAINING AGREEMENT

**Section 5.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-9 “Use of personnel” be and is hereby re-numbered as §4-10.

**Section 6.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-10 “Construal of provisions” be and is hereby re-numbered as §4-11.

**Section 7.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, §4-11 “Addition and abolishment of departments” be and is hereby re-numbered as §4-12.

**Section 8.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 4, “Administrative Organization”, 4 Attachment 1, City of College Park Table I, Organization Chart, be and is hereby deleted in its entirety.

**Section 9.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Employee Recognition Program”, §62-1 “Operation of program” be and is hereby deleted in its entirety as follows:

**Article I Employee Recognition Program**

[§ 62-1 Operation of program.]
There is hereby established a Service Recognition Program which shall operate in the following manner:
A. Those eligible shall be regular employees of the City and members of the Mayor and Council and such other individuals as the Mayor and Council shall determine.
B. Awards shall consist of service recognition pins or other suitable devices as determined by the Mayor and Council and as may be appropriate but shall be based on the following schedule:
(1) Initial award: after completing two years of service.
(2) Second award: after completing five years of service.
(3) Succeeding awards: on the basis of five-year increments of service to the city.

C. Awards shall be made at regular meetings of the Mayor and Council or as determined by the Mayor and Council and as appropriate.

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article II, “Personnel System”, be and is hereby renumbered as Article I, which shall include renumbered §§62-1 through 62-4.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-2 “Establishment; applicability” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

§ 62-[2]1 Establishment; applicability.

By virtue of the authority vested in the Mayor and Council by [Article 23A of the] §4-101 ET SEQ., LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland [(1957 Edition, as amended)], there is hereby established a personnel system for the City of College Park. All offices, employments and positions now existing or hereafter created within the City service, except [that of the Assistant City Manager and] those filled by election or by direct appointment of the Mayor and City Council, are hereby placed within the jurisdiction of said personnel system and shall be subject to such rules and regulations and procedures as are hereinafter set forth and which may be set forth by virtue of the provisions of this article. ELECTED AND APPOINTED OFFICIALS ARE NOT ENTITLED TO EMPLOYEE BENEFITS EXCEPT THOSE OTHERWISE MANDATED BY LAW.

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-3 “Implementation” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

The responsibility for implementing this article and for the general supervision of the personnel system is hereby vested in the City Manager. [The City Manager shall be the personnel officer.]

Section 13. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-4 “Responsibilities of City Manager” be and is hereby repealed, reenacted and amended to read as follows:

§62-[4]3 Responsibilities of City Manager.

The City Manager shall be responsible for the following:
A. Making recommendations to the Mayor and Council with regard to the classification of positions and compensation therefor; the administration of the classification system and the rates of compensation; and the inclusion of said recommendations each year in the budget submitted to the Mayor and City Council.
B. Establishing qualifications for all employment positions.
C. Determining the appointment, transfer, promotion, demotion, suspension, dismissal or any such change in an employee's status.
D. Making recommendations concerning measures calculated to increase efficiency and to promote the interest and welfare of employees.
E. Devising necessary administrative procedures to execute the policies of the Mayor and City Council.
F. Administering such rules and regulations and procedures as may be set forth by the Mayor and City Council.
G. Recruiting, examining, investigating and determining qualifications for all positions in the personnel system.
H. Providing supervision and leadership to department directors and exercising direction over programs and duties administered by those departments.
I. Maintaining such personnel records as may be required.
J. Developing and maintaining an effective working relationship with all department directors, the Mayor and Council, other municipal
OFFICIALS, CIVIC ASSOCIATIONS, COUNTY AND STATE OFFICIALS AND THE RESIDENTS OF THE CITY OF COLLEGE PARK.

I. MONITORING SPECIFIC PROJECTS, REVIEWING STATUS AND PROGRESS WITH SENIOR STAFF, REPORTING TO MAYOR AND COUNCIL AS REQUIRED.

J. DEVELOPING NEW AND REVISED RECOMMENDED POLICIES, STRATEGIES AND PROCEDURES DESIGNED TO IMPROVE CITY OPERATIONS AND SERVICE TO THE PUBLIC.

K. ENSURING STAFF SUPPORT AS DIRECTED OR AS NECESSARY FOR THE MAYOR AND COUNCIL AND ASSISTING IN THE PREPARATION OF THE AGENDA FOR MAYOR AND COUNCIL.

L. UNDERTAKING UNION NEGOTIATIONS.

M. INTERPRETING AND AMENDING PERSONNEL REGULATIONS AND ADMINISTRATIVE POLICIES, INCLUDING THE PERSONNEL MANUAL, OTHER THAN THOSE ISSUES FOR WHICH AUTHORITY IS SPECIFICALLY RESERVED TO THE MAYOR AND CITY COUNCIL, INCLUDING §62-4 OF THIS CHAPTER.

N. SUCH OTHER DUTIES AS THE MAYOR AND COUNCIL MAY REQUIRE.

Section 14. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-4.1 “Responsibilities of the Assistant City Manager” be and is hereby repealed in its entirety as follows:

[§62-4.1 Responsibilities of Assistant City Manager.
The Assistant City Manager shall be responsible [as part of the Assistant City Manager's contractual obligations] for the following:

A. Assisting the City Manager in the duties and responsibilities prescribed by Charter for the day-to-day management of the City government.

B. Providing supervision and leadership to department directors and exercising direction over programs and duties administered by those departments.

C. Participating in the preparation of the City's annual budget and capital improvement program.

D. Serving as Acting City Manager in the City Manager's absence.

E. Developing and maintaining an effective working relationship with all department directors, the Mayor and Council, other municipal officials, civic associations, county and state officials and the citizens of the City of College Park.

F. Monitoring assigned specific projects, reviewing status and progress with senior staff, reporting internally and to Mayor and Council as required.

8
Providing, as directed by the City Manager interdepartmental coordination and implementation of municipal programs and preparation of special studies relating to all phases of the City's operation.

H. Developing new and revised recommended policies, strategies and procedures designed to improve City operations and service to the public.

I. Reviewing state and county legislation, preparing recommendations and background material for Mayor and Council.

J. Representing the City in relations with the County Cable Coalition; COG Electric Deregulation Technical Advisory Committee; Maryland Municipal League Departments and committees.

K. Providing staff support as directed or as necessary for the Mayor and Council and assisting in the preparation of the agenda for Mayor and Council.

L. Performing work in the areas of personnel, purchasing and union negotiations as assigned.

M. Such other duties as the City Manager may require.

**Section 15.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-5 “Responsibilities of Mayor and Council” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

§ 62-[5] 4 Responsibilities of Mayor and Council.
The Mayor and Council shall:

A. Adopt personnel policies WITH RESPECT TO POSITIONS, CLASSIFICATION, STAFF LEVELS, PAY AND THE FOLLOWING BENEFITS: INSURANCE, PENSION, RETIREMENT AND AMOUNT OF PAID LEAVE, in conformity with and in furtherance of this article.

B. Authorize staff levels (number of positions) with the adoption of the annual budget.

C. Approve, establish or modify all salary schedules for classes of positions [provided that, in connection] with the adoption of the annual budget [the Mayor and Council shall approve the salary schedules].

D. Individual members of the Mayor and Council shall not direct or request the recommendation of any person to, or [his] removal from, employment by the City Manager or in any manner dictate the recommendation of any potential employee to the Mayor and Council by the City Manager. Except for the purpose of inquiry, Council members shall deal with the administrative service solely through the City Manager, and no Council member shall give orders to any subordinates of the City Manager either publicly or privately.
Section 16. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article I, “Personnel System”, §62-6 “Conduct of employees” be and is hereby repealed in its entirety as follows:

§ 62-6 Conduct of employees.
A. Political activity shall be prohibited.
(1) No employee shall, directly or indirectly, use or seek to use his/her official position, authority or influence to control or modify the political action of any other person, nor shall any employee, during duty hours, engage in any form of political activity.
(2) With respect to College Park City elections, no employee shall take part in any political movement or actively support any candidates or support any group of candidates in any manner other than by casting his or her own ballot.
B. No employee shall solicit or receive any money or thing of value from any other City employee for any political purpose.
C. Acceptance of a gift of other valuables by a public officer or employee, when given under circumstances indicating the hope or expectation of receiving a favor or better treatment than that accorded the public generally, is prohibited.
D. City officials and employees shall avoid conflicts of interest in the award of City contracts.
E. Violation of any provision of this section shall constitute grounds for immediate dismissal.
In addition, the following may constitute grounds for dismissal or suspension:
(1) Misfeasance, malfeasance or nonfeasance in the performance of duties.
(2) Any violation of law, official rules, regulations or orders or failure to obey any lawful or reasonable direction when such action amounts to insubordination or a serious breach in discipline.
(3) Conviction of a felony or of any infamous or disgraceful offense.
(4) Willful or repeated negligence in performing duties.
(5) Sustained conduct detrimental to the efficiency and morale of the service.
(6) Misuse of public funds.
(7) Falsifying reports or records.
(8) Intoxication while on duty.

Section 17. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”,
Article I, “Personnel System”, §62-7 “Effective date” be and is hereby repealed in its entirety as follows:

[§ 62-7 Effective date.
The effective date of this article shall be March 30, 1988. However, the provisions of this article shall be retroactive to January 6, 1988.]

Section 18.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Pension Plan”, be and is hereby renamed and renumbered as Article II, “Pension and Retirement Plans”, which shall include renumbered §§62-8 through 62-9.

Section 19.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article II, “Pension and Retirement Plans”, §62-8 “Adoption by reference” be and is hereby repealed, reenacted, and amended to read as follows:

§ 62-8 [Adoption by reference.] ADOPTION OF PENSION AND RETIREMENT PLANS. [The improved pension plan for City employees, named the "City of College Park Money Purchase Plan," is adopted retroactive to January 1, 1989, effective July 1, 1989.] THE MAYOR AND COUNCIL MAY ADOPT SUCH PENSION AND RETIREMENT PLANS, TO INCLUDE THE MARYLAND STATE RETIREMENT AND PENSION SYSTEM PURSUANT TO § 31-111.8 OF THE STATE PERSONNEL AND PENSIIONS ARTICLE, ANNOTATED CODE OF MARYLAND, AS THEY MAY DEEM APPROPRIATE.

Section 20.  BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article II, “Pension and Retirement Plans”, §62-9 “Plan to be legal and binding” be and is hereby repealed, reenacted, and amended to read as follows:

§ 62-9 [Plan to be legal and binding.] IMPLEMENTATION OF PENSION AND RETIREMENT PLANS
The City Manager is authorized to execute such necessary technical documents, AND TAKE THOSE ACTIONS NECESSARY, TO IMPLEMENT AN ADOPTED PENSION AND/OR RETIREMENT PLAN [so as to make the City of College Park Purchase Plan legal and binding].

**Section 21.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article IV, “Local Government Health Benefits Trust”, be and is hereby renumbered as Article III, which shall include amended, renumbered §62-10.

**Section 22.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-10 “Statutory authorization” be and is hereby repealed in its entirety as follows:

§ 62-10 Statutory authorization.

[Political subdivisions and municipal corporations of the State of Maryland (collectively "local governments"), including the City of College Park, are authorized by Article 48A, § 482B, of the Annotated Code of Maryland (1991 Replacement Volume) (the "Act"), to pool together for the purpose of purchasing health insurance or self-insuring health risks.]

**Section 23.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-11 “Determination” be and is hereby repealed in its entirety as follows:

§ 62-11 Determination.

A. Pursuant to the authority granted in the Act, certain local governments, including the City of College Park, have determined that it is necessary and desirable to pool together for the purpose of providing health benefits to public entities providing employees and retirees and their dependents, cost containment and managed care advice to participants, all for the public purpose of reducing the cost of providing health benefits to public entity employees and retirees and their dependents.

B. The City of College Park has determined that it is in the best interests of the citizens of the City of College Park for the City of College Park to participate in the Local Government Health Benefits Trust (the "trust") and to adopt this article pursuant to the Act approving and directing
the execution and delivery of the local government health benefits trust agreement to be dated as of July 1, 1990 (the “trust agreement”).

Section 24. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-12 “Participation approved” be and is hereby repealed, reenacted, renumbered and amended to read as follows:

§ 62-[12] 10 Participation approved. The participation of the City of College Park in the Local Government Health Benefits Trust, INCLUDING THE LOCAL GOVERNMENT HEALTH BENEFITS TRUST AGREEMENT DATED JULY 1, 1990 AND AMENDMENTS THERETO, is hereby approved. ANY PAYMENT OBLIGATION OF THE CITY UNDER THE TRUST AGREEMENT SHALL BE A GENERAL OBLIGATION OF THE CITY TO WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS PLEDGED AND MAY NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE CITY. THE CITY MANAGER IS AUTHORIZED TO TAKE ANY AND ALL ACTION NECESSARY OR APPROPRIATE TO EFFECT THE PARTICIPATION OF THE CITY IN THE TRUST AND TO EXECUTE AND DELIVER ALL DOCUMENTS, INSTRUMENTS, CERTIFICATES AND OPINIONS NECESSARY OR APPROPRIATE IN CONNECTION THEREWITH.

Section 25. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-13 “Execution and delivery of trust” be and is hereby repealed in its entirety as follows:

[§ 62-13 Execution and delivery of trust. The trust agreement approved, and the City Manager is hereby authorized and directed to execute and deliver to the trust the trust agreement with such changes as the Mayor and Council may approve, such approval to be evidenced conclusively by the City Manager’s execution and delivery of the trust agreement.]

Section 26. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-14 “Payment obligations” be and is hereby repealed in its entirety as follows:
Section 27. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 62, “Personnel and Employee Benefits”, Article III, “Local Government Health Benefits Trust”, §62-15 “Responsibilities of City officials, employees and agents” be and is hereby repealed in its entirety as follows:

§ 62-15 Responsibilities of City officials, employees and agents.
All officials, employees and agents of the City of College Park are hereby authorized and directed to take any and all action necessary or appropriate to effect the participation of the City of College Park in the trust and to execute and deliver all documents, instruments, certificates and opinions necessary or appropriate in connection therewith.

Section 28. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 29th day of January, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.
After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on ______________________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ___________ day of __________________, 2019.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ________ day of __________________, 2019.

EFFECTIVE the ________ day of __________________, 2019.

ATTEST:

CITY OF COLLEGE PARK

By: _____________________________               By: _____________________________
    Janeen S. Miller, CMC, City Clerk                   Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFICIENCY:

Suellen M. Ferguson, City Attorney
19-O-02
Adoption of Ordinance
19-O-02
**CITY OF COLLEGE PARK, MARYLAND**  
**REGULAR MEETING AGENDA ITEM**

**AGENDA ITEM 19-O-02**

**Prepared By:** Jill Clements,  
Director of Human Resources  
**Meeting Date:** 01/29/2019

**Presented By:** Jill Clements  
**Consent Agenda:** No

**Originating Department:** Human Resources

**Action Requested:** Adopt Ordinance 19-O-02 to amend Chapter 54 of the City Code.

**Strategic Plan Goal:** Goal 6: Excellent services

**Background/Justification:**  
Chapter 54, Local Government Insurance Trust, of the City Code requires updating to reflect current practice and code references. The attached Ordinance that shows the current language and the proposed changes was introduced on January 15, and a Public Hearing scheduled for January 29.

Chapter 54, Local Government Insurance Trust, was originally adopted to enable City participation in the Local Government Insurance Trust as authorized by State law. Most provisions are no longer needed because the Trust was successfully established long ago. This amendment includes simplified language to continue the authorization for the City to participate and its commitment to funding, to confirm the Trust Agreement as amended, and to delete unnecessary provisions.

**Fiscal Impact:**  
None

**Council Options:**  
1. Adopt Ordinance 19-O-02.  
2. Consider other options and changes.  
3. Take no action.

**Staff Recommendation:**  
#1

**Recommended Motion:**  
I move to adopt Ordinance 19-O-02 to amend Chapter 54, Local Government Insurance Trust, to continue the authorization for the City to participate in the Trust and its commitment to funding, and to confirm the Trust Agreement as amended and to delete unnecessary provisions. A public hearing was held on January 29, 2019.

**Attachments:**  
1. Ordinance 19-O-02
ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING
CHAPTER 54, “LOCAL GOVERNMENT INSURANCE TRUST” BY REPEALING AND
RE-ENACTING ARTICLE I, “FINDINGS”, §54-1, “STATUTORY AUTHORITY” AND
REPEALING IN THEIR ENTIRETY ARTICLE I, §54-2 “ESTABLISHMENT OF
TRUST”, §54-3 “AUTHORITY TO ENTER INTO AGREEMENT”, §54-4 “ADDITIONAL
CAPITAL PROVIDED”, §54-5 “DOCUMENTS”, §54-6 “EFFECT OF AGREEMENTS”,
§54-7 “DETERMINATION TO PARTICIPATE”, §54-8 “CAPITAL CONTRIBUTION”,
AND ARTICLE II, “PARTICIPATION IN TRUST”, § 54-9 “PROGRAM AND
PARTICIPATION Approved”, § 54-10 “CONTRIBUTION AUTHORIZED”, § 54-
11, “AGREEMENTS APPROVED”, § 54-12, “EXECUTION OF PROGRAM”, AND
§ 54-13, “DECLARATION”, TO DELETE UNNECESSARY PROVISIONS AND
CONTINUE TO AUTHORIZE THE PARTICIPATION BY THE CITY IN INSURANCE
POOLS, INCLUDING THE LOCAL GOVERNMENT INSURANCE TRUST, FOR THE
PURPOSE OF PURCHASING CASUALTY, HEALTH OR PROPERTY INSURANCE
OR SELF-INSURING CASUALTY, HEALTH OR PROPERTY RISKS.

WHEREAS, pursuant to §5-201 et seq. of the Local Government Article, Annotated
Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to
pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens
of the municipality and to prevent and remove nuisances; and

WHEREAS, Chapter 54 was adopted by the Mayor and Council pursuant to §19-602 et
seq. of the Insurance Article, Annotated Code of Maryland, as amended; and

WHEREAS, a number of the provisions in Chapter 54 were adopted to authorize the
initial participation by the City in insurance pools for the purpose of purchasing casualty,
HEALTH or property insurance or self-insuring casualty, or property risks; and

WHEREAS, these provisions are no longer necessary; and

WHEREAS, Chapter 54 as amended will continue to authorize the City to participate in
and fund insurance pools for the purpose of purchasing casualty, or property insurance or self-
insuring casualty, or property risks, and also for insuring the health of its employees by such
means, including specifically the Local Government Insurance Trust; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to
revise and update Chapters 54.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor
and Council of the City of College Park, Maryland that Chapter 54, “Local Government Insurance
Trust”, Article I, “Findings”, §54-1 “Statutory authority” be and is hereby repealed, re-enacted and
amended to read as follows:

§ 54-1 [Statutory authority]. AUTHORITY TO ENTER INTO INSURANCE POOLS

[Political subdivisions and municipal corporations of the State of Maryland (collectively “local
governments”), including the City of College Park, are authorized by Article 48A, § 482B, of the
Annotated Code of Maryland (1991 Replacement Volume)] A. PURSUANT TO §19-602 ET SEQ.
OF THE INSURANCE ARTICLE, ANNOTATED CODE OF MARYLAND, AS AMENDED,
THE CITY IS AUTHORIZED [(the “Act”)] to pool together WITH OTHER POLITICAL
SUBDIVISIONS AND MUNICIPAL CORPORATIONS OF THE STATE for the purpose of
purchasing casualty, HEALTH or property insurance or self-insuring casualty, HEALTH or
property risks, AND TO APPROVE BY RESOLUTION ANY MEASURES REQUIRED TO
DO SO, INCLUDING WITHOUT LIMITATION ENTERING INTO TRUSTS AND
CAPITALIZATION AGREEMENTS, AND EXECUTING AND DELIVERING ALL
NECESSARY AND APPROPRIATE ENABLING DOCUMENTS, INSTRUMENTS,
CERTIFICATES AND OPINIONS.

B. THE CITY IS AUTHORIZED TO CONTINUE TO PARTICIPATE IN THE LOCAL
GOVERNMENT INSURANCE TRUST FOR THE PURPOSE OF PURCHASING
CASUALTY, HEALTH OR PROPERTY INSURANCE OR SELF-INSURING CASUALTY,
HEALTH OR PROPERTY RISKS, THROUGH ITS TRUST AGREEMENT, AS AMENDED, WHICH IS HEREBY CONFIRMED AND RATIFIED, AND OTHER REQUIRED AGREEMENTS, AND TO FUND SAID PARTICIPATION.

Section 2. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-2 “Establishment of trust” be and it is hereby deleted in its entirety as follows:

[§ 54-2 Establishment of trust.
The Local Government Insurance Trust (the “trust”) was established on July 1, 1987, pursuant to the Act and the local government insurance trust agreement for the purpose of enabling local governments to pool together to provide insurance protection for casualty and property risks and to provide risk management and loss control services for local governments, all for the public purpose of minimizing the cost of casualty insurance and property insurance claims and administration to local governments.]

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-3 “Authority to enter into agreement” be and it is hereby deleted in its entirety as follows:

[§ 54-3 Authority to enter into agreement.
The Act, as amended by Chapter 459 of the Laws of Maryland of 1988, authorizes any local government to enter into an agreement to capitalize or otherwise fund an insurance pool established under the Act. The Act, as amended by Chapter 459 of the Laws of Maryland of 1988, further provides that:

A. Such agreement may have such provisions, terms and conditions and may be of such duration as the local government, by resolution, may determine.
B. Any payment obligation in such agreement shall be a general obligation of the local government to which its full faith and credit and unlimited taxing power is pledged and may not be subject to annual appropriation by the local government.
C. Such payment obligation may be undertaken without regard to any limitations set forth in the Charter of the local government or other applicable public local or public general law that would otherwise apply and without complying with any procedures set forth in the Charter of the local government or other applicable public local or public general law that would otherwise be required.]

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article
I, “Findings”, §54-4 “Additional capital provided” be and it is hereby deleted in its entirety as follows:

[§ 54-4 Additional capital provided.
Pursuant to the authority granted in the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the trust and certain local governments, including the City of College Park, have determined that it is necessary and desirable to provide additional capital and surplus for the insurance pools administered by the trust for the benefit of local governments covered by the insurance pools administered by the trust (the “capitalization program”).]

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-5 “Documents” be and it is hereby deleted in its entirety as follows:

[§ 54-5 Documents.
Pursuant to the authority of the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the trust has prepared and submitted to the City of College Park for approval the following documents in order to implement the capitalization program:
A. A cash contribution coverage and capitalization agreement to be dated as of July 1, 1989 (the “cash capitalization agreement”), by and among the trust and certain local governments participating in the capitalization program (collectively the "cash capital participants").
B. The second amended and restated trust agreement to be dated as of July 1, 1989 (the "LGIT agreement"), by and among the trust and those local governments participating in the trust.)

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article I, “Findings”, §54-6 “Effect of agreements” be and it is hereby deleted in its entirety as follows:

[§ 54-6 Effect of agreements.
Collectively, the cash capitalization agreement and the LGIT agreement, when approved, executed and delivered, will:
A. Enable the trust to raise the capital necessary to support additional coverages, including excess liability coverage, environmental cleanup coverage and environmental liability coverage (the "capital coverage").
B. Enable the trust to make the capital coverage available to each cash capital participant.
C. Require each cash capital participant to make a capital contribution in cash on or before the date specified in the cash capitalization agreement.)

Section 7. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article
I, “Findings”, §54-7 “Determination to participate” be and it is hereby deleted in its entirety as follows:

[$§54-7 Determination to participate.
The City of College Park has determined that it is in the best interests of the citizens of the City of College Park for the City of College Park to participate in the capitalization program and to adopt this chapter, pursuant to the Act, approving and directing the execution and delivery of the cash capitalization agreement and the LGIT agreement.]

Section 8. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust’, Article I, “Findings’, §54-8 “Capital contribution” be and it is hereby deleted in its entirety as follows:

[$§54-8 Capital contribution.
A. By means of this chapter, the City of College Park approves, accepts and agrees to pay a capital contribution in the principal amount of $32,859 under the terms and conditions of the cash capitalization agreement.
B. Under the terms of the Act, as amended by Chapter 459 of the Laws of Maryland of 1988, the capital contribution approved by this chapter and any interest payable thereon will be a general obligation of the City of College Park to which its full faith and credit and unlimited taxing power is pledged and will not be subject to annual appropriation by the City of College Park.]

Section 9. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust’, Article II, “Participation in trust”, §54-9 “Program and participation approved” be and it is hereby deleted in its entirety as follows:

[$§54-9 Program and participation approved.
A. The capitalization program is hereby approved.
B. The participation of the City of College Park in the capitalization program is hereby authorized and approved.]

Section 10. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust’, Article II, “Participation in trust”, §54-10 “Contribution authorized” be and it is hereby deleted in its entirety as follows:
Contribution authorized.
The City of College Park is hereby authorized and directed to make a capital contribution to the trust in the amount of $32,859 pursuant to the terms and conditions of the cash capitalization agreement. Pursuant to the Act, the capital contribution in the amount of $32,859 and any interest payable thereon under the terms and conditions of the cash capitalization agreement shall be a general obligation of the City of College Park to which its full faith and credit and unlimited taxing power is pledged and may not be subject to annual appropriation by the City of College Park.

Section 11. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-11 “Agreements approved” be and it is hereby deleted in its entirety as follows:

[A. The cash capitalization agreement, in substantially the form attached hereto as Exhibit A, [1] is hereby approved, and the City Manager is hereby authorized and directed to execute and deliver to the trust and the other cash capital participants the cash capitalization agreement in substantially the form attached hereto as Exhibit A, with such changes as the City Manager may approve, such approval to be evidenced conclusively by the City Manager’s execution and delivery of the cash capitalization agreement.

B. The LGIT agreement, in substantially the form attached hereto as Exhibit B, [2] is hereby approved, and the City Manager is hereby authorized and directed to execute and deliver to the trust the LGIT agreement in substantially the form attached hereto as Exhibit B, with such changes as the City Manager may approve, such approval to be evidenced conclusively by the City Manager’s execution and delivery of the LGIT agreement.]

Section 12. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-12 “Execution of program” be and it is hereby deleted in its entirety as follows:

[A. All officials, employees and agents of the City of College Park are hereby authorized and directed to take any and all action necessary or appropriate to effect the participation of the City of College Park in the capitalization program and to execute and deliver all documents, instruments, certificates and opinions necessary or appropriate in connection therewith.]

105
Section 13. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 54, “Local Government Insurance Trust”, Article II, “Participation in trust”, §54-13 “Declaration” be and it is hereby deleted in its entirety as follows:

§ 54-13 Declaration.

Article I of this chapter is hereby declared to be and shall at all times and for all purposes be deemed to be the findings of the City of College Park in connection with its decision to participate in the capitalization program, to make a capital contribution in the amount of $32,859 and to approve, execute and deliver the cash capitalization agreement and the LGIT agreement.

Section 14. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that the designations of Article I and Article II are no longer required for Chapter 54, “Local Government Insurance Trust”, and so are hereby deleted.

Section 15. BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 p.m. on the 29th day of January, 2019, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.
After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on ______________________, 2019 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____________ day of ______________, 2019.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the ____________ day of ______________________ 2019.

**EFFECTIVE** the ____________ day of ______________________, 2019.

**ATTEST:**

CITY OF COLLEGE PARK

By: _____________________________ By: _____________________________

Janeen S. Miller, CMC, City Clerk Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

Suellen M. Ferguson, City Attorney
Discussion of an amendment to Section C4-3 of the City Charter, Supervisors of Elections, to increase the number of Election Supervisors from five to six, with anticipated introduction at next week’s meeting.
**CITY OF COLLEGE PARK, MARYLAND**  
**WORKSESSION AGENDA ITEM**

**Prepared By:** Janeen S. Miller  
**Meeting Date:** January 29, 2019

**Presented By:** Janeen S. Miller  
**Proposed Consent Agenda:** No

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>City Clerk for the Board of Election Supervisors</th>
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<tbody>
<tr>
<td><strong>Issue Before Council:</strong></td>
<td>Discuss a request from the BOES to increase the number of Election Supervisors from five to six, and determine how the sixth Supervisor would be appointed.</td>
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<td><strong>Strategic Plan Goal:</strong></td>
<td>Goal 6: Excellent Services</td>
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**Background/Justification:**  
The Board of Election Supervisors met on January 17 and is scheduled to meet with the City Council at the February 5 Worksession to discuss several matters pertinent to the November election. At their January 17 meeting, the Board voted to request an increase in the number of Supervisors from 5 to 6, which would require a Charter Amendment. Because of the timing of the appointment of the Board, and the fact that this is an election year, the amendment to effect this change should be started as soon as possible.

If there is no objection from Council, we would like to ask the City Attorney to draft the Charter Amendment so that it can be discussed, and then possibly introduced, in Special Session on February 5, when the Supervisors meet with you.

The current Charter language follows:

City Charter C4-3 Supervisors of Elections  
The Mayor and Council shall, not later than the first regular meeting in March of each year in which there is a general election, appoint and fix the compensation for five qualified voters of said City, not holding any office thereunder, as Supervisors of Elections, who shall act as Judges of Elections at any elections held during the two years succeeding their appointment and who shall perform such other duties as may be delegated to them under the College Park Code, one of whom shall be appointed from the qualified voters of each of the four election districts and one of whom shall be appointed by the Mayor with the consent of the Council. Such Supervisors of Elections are hereby authorized to administer oaths to the Judges of Elections and voting machine operators in the performance of their duties. The Mayor and Council shall designate one of the five Supervisors of Elections as the Chief of Elections.

The City Council should discuss and determine how the appointment of the sixth Election Supervisor would be made.

**Fiscal Impact:**  
The Board of Election Supervisors is a compensated committee, so an increase in the number of supervisors would add to the budget. Compensation is based on a fiscal year. Per Council action effective in March 2013: In an election year all of the Board receives compensation. In a non-election year only the Chief Election Supervisor will be compensated. Chief of Supervisors: $480/fiscal year. Election Supervisors: $360/fiscal year.
**Council Options:**

1. Discuss the request from the BOES, determine how a sixth Supervisor would be appointed, and provide direction to the City Attorney to draft the Charter Amendment

2. Wait until the February 5 Worksession to discuss

**Staff Recommendation:**

1

**Recommended Motion:**

N/A

**Attachments:**

A memo from the Board of Election Supervisors is forthcoming.
INFORMATION REPORT

Weekly Legislative Report
Memorandum

TO: Bill Gardiner, Assistant City Manager  
City of College Park

FROM: Leonard L. Lucchi, Esquire  
Eddie L. Pounds, Esquire  
City Lobbyists

DATE: January 25, 2019

RE: Weekly Report

The second full week of the Maryland General Assembly is at a close. Here is a list of pertinent issues:

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description of Bill</th>
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<tbody>
<tr>
<td>PG 301-19</td>
<td>Prince George’s County – Alcoholic Beverages – Family Entertainment Permit – This bill establishes a family entertainment permit in the county for holders of Class B (on-sale) licenses should the Liquor Board determine that certain criteria be met, i.e. 1) the license holder’s business provides family entertainment; 2) the room where entertainment will be held seats no more than 110 people; 3) the establishment will not offer entertainment for adults only; 4) the average daily receipts from food sales is at least 60% of the total daily receipts from the sale of food and drinks; 5) the establishment offers the same menu throughout the day, including when entertainment is provided; and 6) pricing for food and drink where the entertainment will be provided is comparatively priced as food and drink offered elsewhere in the establishment. The annual fee for the permit is $250. Received a favorable vote today in subcommittee.</td>
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<tr>
<td>PG 302-19</td>
<td>Prince George’s County – Movie Theater Licenses – Class BLX - This bill authorizes the issuance of a Class BLX license to a movie theater under certain circumstances, including renovations or remodeling exceeding $2,000,000. The license holder would be allowed to sell beer, wine, and liquor for on-premises consumption from 12 Noon to 12:30 a.m., the following day.</td>
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<tr>
<td>PG 304-19</td>
<td>Prince George’s County – Alcoholic Beverages – Class BLX Licenses – This bill would increase the number of Class BLX licenses a person may hold from 10 to 15.</td>
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<tr>
<td>PG 402-19</td>
<td>Prince George’s County – Condominiums and Homeowners Associations – Reserve Studies – Annual Budgets – This bill requires the governing body of certain condominium communities (with more than 50 units) in the county to have a reserve study conducted for purposes related to major repairs and replacement of common elements of a condominium. <strong>Received a favorable vote in subcommittee.</strong></td>
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<tr>
<td>PG 409-19</td>
<td>Prince George’s County – Property Tax Credits – Grocery Stores – This bill authorizes a property tax credit to be granted against the property tax imposed on personal property that is owned by a grocery store that (1) completes eligible construction; and (2) is located in a healthy food priority area.</td>
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<td>PG 410-19</td>
<td>Prince George’s County – Property Tax Credits – Teachers – Bill would provide a property tax credit against the property owned by an eligible teacher who did not reside in the county before purchasing the home where the credit is claimed. <strong>Received a favorable vote today in Delegation.</strong></td>
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<tr>
<td>PG 413-19</td>
<td>Prince George’s County – Property Tax Credits for Security Camera Systems - This bill authorizes Prince George’s County to grant, by law, a property tax credit for residential or commercial property equipped with an exterior security camera system for the purpose of crime prevention. <strong>Received a favorable vote today in Delegation.</strong></td>
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<tr>
<td>HB 10</td>
<td>State Highway Administration – Sidewalks Within Priority Funding Areas – Repair and Maintenance – Bill requires the SHA to repair and maintain sidewalks that are located within areas that are designated as priority funding areas. <strong>Bill will be heard by the House Committee on Environment and Transportation on January 30th.</strong> Bill is supported by the Maryland Municipal League.</td>
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<td>HB 34</td>
<td>Business Regulation – Trader’s Licenses – License Fees - This bill authorizes the governing body of a county or municipality to select a uniform trader’s license fee instead of using the existing tiered license fee. Selecting the uniform trader’s license fee is a one-time, irrevocable decision. As opposed to tiered licensing, in which most licensing revenue is retained by local governments, all revenue from uniform traders’ fees accrues to the State general fund. By December 31, 2019, the State Department of Assessments and Taxation (SDAT) must adopt regulations on the granting of exemptions from the reporting requirements (and associated filing fees) under § 11-101 of the Tax-Property Article.</td>
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<td>HB 82 (SB 116)</td>
<td>Transportation – Complete Streets – Access to Healthy Food – Bill requires a complete streets policy to create access to healthy food for persons living in food deserts. <strong>The House bill will be heard by the House Environment</strong></td>
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<td>HB 227</td>
<td>Prince George’s County – Ethics – Limitations on Applicant Campaign Contributions – (PG 404-19) Bill repeals prohibition against an applicant’s ability to contribute to the Prince George’s County Executive or a slate that includes the County Executive. <strong>Received a favorable vote today in Delegation. Bill will be heard by the House Ways and Means Committee on February 5th.</strong> Bill has no cross-file.</td>
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<td>SB 3 (HB 117)</td>
<td>Maryland Smart Growth Investment Fund – This bill authorizes the Department of Commerce to seek proposals to select a management entity to establish an investment fund that is: 1) based on the recommendations in the December 2013 report of the Maryland Smart Growth Investment Fund Workgroup; and 2) designed to meet the requirements for a Qualified Opportunity Fund. This bill has a high likelihood of passage and is supported by the Maryland Municipal League. <strong>The Senate bill will be heard on February 5th.</strong></td>
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<td>SB 32</td>
<td>Election Law – Early Voting Centers – Reduced Days of Operation – This bill would alter operating days for early voting centers as follows: a) the second Thursday and Second Friday before a primary or general election; 2) the second Monday through the Thursday before a primary or general election. <strong>Currently no cross-file. Senate bill will be heard on February 7th in the Senate Education, Health and Environmental Affairs Committee.</strong></td>
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<td>SB 34</td>
<td>Tourist Area and Corridor Program and Task Force on Attraction Signs – This bill creates a program responsible for developing a system of supplemental guide signs that direct motorists to eligible individual attractions within a geographical area. Individual attractions that will be eligible for a sign include: 1) an artist’s or artisan’s studio; 2) a brewery, cidery, distillery, or meadery; 3) a facility used for agritourism; and 4) a performing arts center.</td>
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<td>SB 55</td>
<td>Department of Planning – Central Depository – This departmental bill clarifies that the Maryland Department of Planning is the central depository for all land use plans, and amendments and revisions to the plans adopted by a unit of the State government, of a regional government, or of a local government, or by an interstate agency.</td>
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<td>SB 122 (HB 160)</td>
<td>Property Tax Credits – Real Property Used for Robotics – Bill authorizes a property tax credit against the real property that is used for a public-school robotics program or nonprofit robotics program. <strong>The Senate bill will be heard on January 30th by the Senate Committee on Budget and Taxation. The House bill will be heard on February 5th by the Committee on Ways and Means.</strong></td>
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