

AMENDED 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 REENACTING §§62-2 "ESTABLISHMENT; APPLICABILITY",
§62-3 "IMPLEMENTATION" §62-4 "RESPONSIBILITIES OF CITY MANAGER", §62-5
"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
"EFFECTIVE DATE", §62-10 "STATUTORY AUTHORIZATION", §62-11
"DETERMINATION", §62-13 "EXECUTION AND DELIVERY OF 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PERSONNEL CODE, INCLUDING TO REMOVE OUTDATED OR UNNECESSARY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.

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

CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

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. [~~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 Park.~~] 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. * * * *

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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]2 **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]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.~~] ASSISTING IN DEVELOPING THE MAYOR AND COUNCIL MEETING AGENDAS.
- C. [~~Determining the appointment, transfer, promotion, demotion, suspension, dismissal or any such change in an employee's status.~~] PREPARING THE FISCAL YEAR BUDGET FOR REVIEW BY MAYOR AND COUNCIL.
- 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.~~] PROVIDING SUPERVISION AND LEADERSHIP TO DEPARTMENT DIRECTORS AND EXERCISING DIRECTION OVER PROGRAMS AND DUTIES ADMINISTERED BY THOSE DEPARTMENTS.
- H. [~~Maintaining such personnel records as may be required.~~] 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.~~

- 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] 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:

~~[§ 62-14 Payment obligation.~~

~~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 February 19, 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.

AMENDED AND ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 29th day of January, 2019.

EFFECTIVE the 19th day of February, 2019.

ATTEST:

CITY OF COLLEGE PARK

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

By: Patrick L. Wojahn
Patrick L. Wojahn, Mayor

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

Suellen M. Ferguson
Suellen M. Ferguson, City Attorney