



Legislation Details (With Text)

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Type: Charter Amendment **Status:** Adopted

File created: 5/6/2020 **In control:** City Council

On agenda: 9/14/2020 **Final action:** 9/14/2020

Title: Deputy City Manager for Resilience and Sustainability - For the purpose of establishing the position of Deputy City Manager for Resilience and Sustainability; defining qualifications DUTIES and responsibilities, providing for certain terms of employment and compensation, providing for a line of authority, updating the powers and duties of the City Manager, and generally related to the Deputy City Manager.

Sponsors: Gavin Buckley, Rob Savidge, Marc Rodriguez, Rhonda Pindell Charles, Ross Arnett

Indexes: Environmental Commission, Rules and City Government Committee

Code sections: Article VI, Section 2A - Deputy City Manager for Resilience and Sustainability, Article VI, Section 2B - City manager

Attachments: 1. CA-1-20 Deputy City Manager First Reader.pdf, 2. CA-1-20 Staff Report.pdf, 3. CA-1-20 Fiscal Impact Note.pdf, 4. CA-1-20 Staff Report 6-3-20.pdf, 5. CA-1-20 Amendments 1-8 Buckley.pdf, 6. CA-1-20 Amendments 9-10 Environmental Matters Cmte 7-15-20.pdf, 7. CA-1-20 Amendment 11 Savidge.pdf, 8. CA-1-20 SIGNED.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------------------------|---|--------|
| 9/14/2020 | 1 | City Council | adopt on second reader | Pass |
| 9/14/2020 | 1 | City Council | amended | Pass |
| 9/14/2020 | 1 | City Council | amended | Pass |
| 9/14/2020 | 1 | City Council | adopt as amended | Pass |
| 9/14/2020 | 1 | City Council | adopt on third reader | Pass |
| 7/22/2020 | 1 | Rules and City Government Committee | recommend with amendments | Pass |
| 7/20/2020 | 1 | Housing and Human Welfare Committee | recommend favorably | Pass |
| 7/16/2020 | 1 | Economic Matters Committee | recommend favorably | Pass |
| 7/15/2020 | 1 | Environmental Matters Committee | recommend with amendments | Pass |
| 7/15/2020 | 1 | Environmental Matters Committee | Recommend Favorably-Amendment | Pass |
| 7/15/2020 | 1 | Environmental Matters Committee | Recommend Favorably-Amendment | Pass |
| 7/15/2020 | 1 | Environmental Matters Committee | Recommend Favorably-Amendment | Pass |
| 7/9/2020 | 1 | Transportation Committee | recommend favorably | Pass |
| 7/1/2020 | 1 | Finance Committee | return without recommendation | Pass |
| 6/22/2020 | 1 | City Council | declare the public hearing closed | |
| 6/8/2020 | 1 | City Council | declare the public hearing left open | |
| 5/26/2020 | 1 | City Council | declare the public hearing left open | Pass |
| 5/26/2020 | 1 | City Council | declare the public hearing closed | |
| 5/11/2020 | 1 | City Council | refer to Annapolis Education Commission | |

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| 5/11/2020 | 1 | City Council | refer to Annapolis Education Commission | |
| 5/11/2020 | 1 | City Council | refer to Annapolis Education Commission | |
| 5/11/2020 | 1 | City Council | adopt on first reader | Pass |

Deputy City Manager for Resilience and Sustainability - For the purpose of establishing the position of Deputy City Manager for Resilience and Sustainability; defining ~~qualifications~~DUTIES and responsibilities, providing for certain terms of employment and compensation, providing for a line of authority, updating the powers and duties of the City Manager, and generally related to the Deputy City Manager.

**CITY COUNCIL OF THE
City of Annapolis**

Charter Amendment 1-20

**Introduced by: Mayor Buckley
Co-sponsored by: Alderman Savidge, Alderman Rodriguez,
Alderman Pindell Charles, and Alderman Arnett**

**Referred to
Rules and City Government Committee
Environmental Matters Committee
90 day Rule: 7/27/20**

A CHARTER AMENDMENT Resolution concerning

**Deputy City Manager
for Resilience and Sustainability**

FOR the purpose of establishing the position of Deputy City Manager for Resilience and Sustainability; defining ~~qualifications~~DUTIES and responsibilities, providing for certain terms of employment and compensation, providing for a line of authority, updating the powers and duties of the City Manager, and generally related to the Deputy City Manager.

BY: repealing and reenacting the following portions of the Annapolis City Charter:
Article VI, Section 2B

BY: adding the following portion to the Annapolis City Charter:
Article VI, Section 2A

SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Charter of the City of Annapolis shall be amended to read as follows:

THE CHARTER

Article VI - OPERATIONS

Sec. 2A - Reserved DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY.

AS USED IN THIS CHARTER AND CODE OF THE CITY OF ANNAPOLIS, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED:

‘RESILIENCE’ MEANS THE CAPACITY OF A COMMUNITY OR NATURAL ENVIRONMENT TO PREVENT, WITHSTAND, RESPOND TO, AND RECOVER FROM DISRUPTION, IN PARTICULAR DISRUPTION RESULTING FROM THE CLIMATE CRISIS.

‘SUSTAINABILITY’ MEANS ENSURING WE CAN MEET THE ENVIRONMENTAL, ECONOMIC, AND SOCIAL NEEDS OF TODAY WITHOUT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO MEET THOSE SAME NEEDS. THIS HAS A FOCUS ON THE ENVIRONMENT, AND INCLUDES BUT IS NOT LIMITED TO INITIATIVES THAT WOULD ADDRESS CLIMATE ACTION, WATER QUALITY, ENVIRONMENTAL AND SOCIAL JUSTICE, WATER ACCESS, NATURAL RESOURCES, LAND USE, AIR QUALITY, LOCAL ECONOMIC DEVELOPMENT, GREEN JOBS, PUBLIC HEALTH & SAFETY, AND ENVIRONMENTAL EDUCATION.’

- (A) THERE SHALL BE A DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY IN THE OFFICE OF THE MAYOR. THE DEPUTY CITY MANAGER SHALL BE THE DIRECT SUBORDINATE OF THE CITY MANAGER.
- (B) THE DEPUTY CITY MANAGER SHALL BE APPOINTED BY THE CITY MANAGER WITH THE APPROVAL OF THE MAYOR AND SHALL BE CONFIRMED BY THE CITY COUNCIL. IN REFERRING AN APPOINTEE FOR CONFIRMATION, THE CITY MANAGER SHALL DESCRIBE THE MANNER IN WHICH THE APPOINTEE FULFILLS THE QUALIFICATIONS FOR THE POSITION. ~~AS ENUMERATED IN THIS ARTICLE AND AS MAY BE ESTABLISHED BY ORDINANCE.~~ THE DEPUTY CITY MANAGER MAY BE REMOVED FROM OFFICE BY THE CITY MANAGER WITH THE APPROVAL OF THE MAYOR.
- (C) THE COMPENSATION OF THE DEPUTY CITY MANAGER SHALL BE FIXED BY THE CITY MANAGER WITH THE APPROVAL OF THE MAYOR ACCORDING TO THE PROVISIONS OF AN EXECUTIVE PAY PLAN ADOPTED BY ORDINANCE.
- (D) THE DEPUTY CITY MANAGER SHALL DEVOTE FULL TIME TO THE DUTIES OF THE OFFICE.
- (E) IN THE EVENT THE DEPUTY CITY MANAGER POSITION BECOMES VACANT, THE CITY MANAGER WITH THE APPROVAL OF THE MAYOR SHALL PROMPTLY DESIGNATE A QUALIFIED PERSON TO SERVE AS ACTING DEPUTY CITY MANAGER. AN ACTING DEPUTY CITY MANAGER MAY EXERCISE ALL THE POWERS OF THE DEPUTY CITY MANAGER AND ENJOY THE IMMUNITY ACCORDED TO THE DEPUTY CITY MANAGER. THE ACTING DEPUTY CITY MANAGER SHALL RECEIVE SUCH COMPENSATION AS DETERMINED BY THE CITY MANAGER WITH THE APPROVAL OF THE MAYOR. HOWEVER, IF THE DEPUTY CITY MANAGER POSITION REMAINS VACANT FOR SIX MONTHS, NO COMPENSATION MAY BE PAID TO THE ACTING DEPUTY CITY MANAGER WITHOUT THE EXPRESS CONSENT OF THE COUNCIL. IF THE DEPUTY CITY MANAGER POSITION REMAINS VACANT FOR AN ADDITIONAL PERIOD OF SIX MONTHS OR LONGER, FURTHER

COMPENSATION FOR THE ACTING DEPUTY CITY MANAGER MUST BE APPROVED BY THE COUNCIL AT EVERY SIX-MONTH INTERVAL.

(F) AT THE DIRECTION OF THE CITY MANAGER, THE DEPUTY CITY MANAGER SHALL HAVE THE FOLLOWING ADDITIONAL POWERS AND DUTIES:

- (1) DEVELOPS SUSTAINABILITY, RESILIENCE AND LAND CONSERVATION PLANS AND WORKS WITH CITY OFFICES AND DEPARTMENTS TO IMPLEMENT PROGRAMS AND INITIATIVES TO FURTHER THOSE PLANS, INCLUDING THOSE RELATED TO ENVIRONMENTAL QUALITY, CLIMATE CHANGE, SEA LEVEL RISE, ENERGY EFFICIENCY, COMPOSTING, LITTER REDUCTION, SOLAR AND WIND POWER, ELECTRIC VEHICLES, LOCAL BUSINESSES AND EMPLOYMENT, TRANSPORTATION, PUBLIC HEALTH AND SAFETY, AND SOCIAL EQUITY.
- (2) ADVISES THE CITY MANAGER, MAYOR, AND CITY COUNCIL ON RESILIENCE AND SUSTAINABILITY ALTERNATIVES AND OPPORTUNITIES, AND PROVIDES INPUT AND GUIDANCE ON RELATED PROGRAMS AND INITIATIVES.
- (3) SERVES AS THE CITY'S POINT PERSON FOR ALL GROUPS AND ISSUES INVOLVED IN SUSTAINABILITY, RESILIENCE AND ENVIRONMENTAL QUALITY AND COMPLIANCE.
- (4) ENSURES THAT ALL PUBLIC EDUCATION AND OUTREACH REQUIREMENTS OF THE CITY'S MS4 PERMIT ARE MET.
- (5) ~~AT THE DIRECTION OF THE CITY MANAGER~~, INTERFACES WITH VARIOUS ENVIRONMENTAL AND NON-PROFIT ORGANIZATIONS TO SHEPHERD WATERSHED RESTORATION PROJECTS THROUGH THE CITY'S REVIEW AND PERMITTING PROCESS.
- (6) WORKS COLLABORATIVELY WITH OTHER CITY OFFICES AND DEPARTMENTS AND A BROAD RANGE OF STAKEHOLDERS TO DEVELOP AND IMPLEMENT RESILIENCE AND SUSTAINABILITY INITIATIVES.
- (7) ENSURES THAT SUSTAINABILITY, RESILIENCE, AND ENVIRONMENTAL POLICIES ADOPTED BY THE MAYOR, CITY COUNCIL, AND CITY MANAGER ARE IMPLEMENTED IN THE APPROPRIATE DEPARTMENT(S) OR OFFICE(S).
- (8) REVIEWS SELECT AND APPROVES DEVELOPMENT PROJECTS TO ENSURE THE CITY'S ENVIRONMENTAL REGULATIONS ARE BEING FULLY UTILIZED TO MEET ITS GOALS AND TO IDENTIFY POTENTIAL REVISIONS TO ENSURE METHODS TO ACHIEVE RESILIENCE, SUSTAINABILITY, AND SOCIAL EQUITY GOALS ARE INTEGRATED INCLUDED IN PROJECT PLANS. SUCH DEVELOPMENT PROJECTS WOULD INCLUDE LARGE SCALE PROJECTS, AS WELL AS THOSE THAT MAY IMPACT SENSITIVE NATURAL RESOURCES.
- (9) COORDINATES DEPARTMENT EFFORTS TO PREPARE THE CITY FOR THE IMPACTS OF SEA LEVEL RISE AND CLIMATE CHANGE, INCLUDING ENVIRONMENTAL, ECONOMIC, AND SOCIAL IMPACTS.
- (10) COORDINATES THE CITY'S PUBLIC EDUCATION AND GRANT WRITING EFFORTS RELATED TO RESILIENCE AND SUSTAINABILITY.
- (11) ~~AT THE DIRECTION OF THE CITY MANAGER~~, MEETS WITH, MAKES PRESENTATIONS TO, AND DEVELOPS RESILIENCE AND SUSTAINABILITY MATERIALS FOR CITY STAFF, CITY COUNCIL, COMMITTEES, BOARDS AND COMMISSIONS, NON-PROFIT ORGANIZATIONS, AND THE PUBLIC.
- (12) STAFFS THE CITY'S ENVIRONMENTAL MATTERS COMMITTEE, ENVIRONMENTAL COMMISSION AND WATERWAYS CABINET.
- (13) SUPERVISES THE WORK OF THE ENVIRONMENTAL PROGRAMS COORDINATOR, INCLUDING INITIATIVES RELATED TO ENVIRONMENTAL EDUCATION, STORMWATER

MANAGEMENT, SUSTAINABILITY CERTIFICATIONS, AND PROMOTION OF CITY RESILIENCE AND SUSTAINABILITY INITIATIVES.

- (14) SEEKS GRANTS FOR SUSTAINABILITY, RESILIENCE AND ENVIRONMENTAL INITIATIVES.

Sec. 2B. - City manager.

- (a) There shall be a city manager in the office of the mayor who shall be the chief administrative officer of the city. The city manager shall be the direct subordinate of the mayor and shall have supervisory authority over the DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY AND department directors as provided for by the City's organizational chart that is prepared by the mayor and accepted by the City Council.
- (b) The city manager shall be appointed by the mayor and confirmed by the city council based solely on his or her experience and credentials as a city manager. The city manager may be removed from office by the mayor or by the City Council. The city manager shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least eight years' experience in local government management at the executive level. The city manager shall be thoroughly familiar with contemporary budgeting and accounting practices.
- (c) The city manager shall devote full time to the duties of the office.
- (d) The compensation of the city manager shall be fixed by the mayor according to the provisions of an executive pay plan formulated by the Council Compensation Commission and adopted by ordinance. If the city manager is hired during an interim year, the mayor and council shall determine the compensation based upon the recommendations from the Finance Committee.
- (e) The city manager shall have the following additional powers and duties:
- (1) To administer the day-to-day operations of the municipal government and oversee the delivery of municipal services;
 - (2) To exercise supervisory authority over the DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY AND department directors, as provided for by the City's organizational chart that is prepared by the mayor and accepted by the City Council;
 - (3) To direct the operations of the city government;
 - (4) To supervise the preparation of the city budget;
 - (5) To advise the mayor and City Council in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life, and strengthen the economic vitality of the city;
 - (5) To perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time;
 - (7) To provide a monthly status report summarizing recent noteworthy activities of city operation including department and office updates, performance management milestones, and activities of the mayor's office. The monthly city manager's report shall be posted on the city's website and available to the public; and sequentially renumber the subsequent paragraphs accordingly;
 - (8) To adjust parking rates in City-owned parking garages and parking lots to the extent permitted, pursuant to 12.04.040 A.6. of the Code of the City of Annapolis. The City Manager may appoint a designee to determine any such adjustments to parking rates in City-owned parking garages and parking lots;
 - (9) To supervise the daily operations of the office of management information technology; AND
 - (10) ~~To supervise the daily operations of the office of environmental policy; and~~
 - (11) To supervise the daily operations of the human resources office of the city, including:
 - (i) Administering a civil service system;
 - (ii) Conducting investigations and examinations for appointment or promotion in the civil service;

and

- (iii) Administering certain other activities related to the payment, benefits, training, discipline, and retirement of city officials and employees.
- (f) In the event of a vacancy in the position of city manager, the mayor shall promptly appoint a qualified person to serve as acting city manager. The acting city manager may exercise all the powers of the city manager and enjoys the same immunity accorded the city manager. The acting city manager shall receive such compensation as determined by the mayor that is consistent with the executive pay plan. However, if the position of city manager remains vacant for more than six months, no compensation may be paid to an acting city manager without the approval of the Council at every six-month interval.

SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that a notice of public hearing was published on the proposed charter amendment, at least 21 days in advance of the public hearing that was held on May 26, 2020, June 8, 2020, and June 22, 2020.

SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the date of adoption of this Resolution is September 14, 2020, and the amendments of the Charter of the City of Annapolis, hereby enacted shall become effective on November 3, 2020, unless a proper petition for referendum hereon shall be filed as permitted by law within 40 days of adoption, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the City Hall until October 26, 2020, and provided further that a copy of the title of this Resolution shall be published in "The Capital," a newspaper of general circulation in the City of Annapolis, or in any other newspaper of such general circulation, once in each of the weeks on, October 5, 2020, October 12, 2020, October 19, 2020, and October 26, 2020.

SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Mayor is hereby specifically commanded to carry out the provisions of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be maintained appropriate certificates of publication of the newspaper or newspapers in which the title of the Resolution shall have been published and if a favorable referendum is held on the Charter change, shall declare the Charter change hereby enacted to be effective on November 3, 2020, by affixing his signature hereto in the space provided on the effective date of change.

SECTION V: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the Mayor shall send to the Maryland Department of Legislative Services a copy of this Resolution showing the number of Aldermen and Alderwomen voting for and against it and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Meeting of the Annapolis City Council on September 14, 2020; 6 voting in the affirmative, 2 voting in the negative, 0 abstaining and 0 absent and the said Resolution becomes effective in accordance with law on the 3rd day of November, 2020.

EXPLANATION

UPPERCASE indicates matter added to existing law.
[Strikethrough] indicates matter stricken from existing law.
Underlining indicates amendments.