

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

January 7, 2008

**CALL TO PODIUM:**

Fred Felton  
Assistant City Manager

**RESPONSIBLE STAFF:**

Fred Felton  
Assistant City Manager

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

RESOLUTION TO CHANGE THE EFFECTIVE DATE OF ORDINANCE O-7-07 (ANTI-SOLICITATION) ADOPTING SECTION 15-9, AND PROVIDING FOR FUTURE CHANGES TO THE EFFECTIVE DATE BY RESOLUTION

**SUPPORTING BACKGROUND:**

Attached please find a resolution changing the effective date of Section 15-9 of the City Code, known as the City's "anti-solicitation ordinance," to February 6, 2008.

On June 18, 2007, the City Council adopted Emergency Ordinance No. 07-07 changing the effective date of Section 15-9, as set forth in Section 15-9(f), in order allow time for the Attorney General's office to provide an opinion on the constitutionality of Section 15-9 prior to enforcement by the City. The Ordinance also provided that any future changes to the effective date could be implemented by resolution of the Mayor and City Council.

To date, we have not received an opinion from the Attorney General's office. Therefore, the proposed resolution postpones the effective date of Section 15-9 until February 6, 2008.

**Attachments:**

1. Draft Resolution
2. Resolution R-117-07
3. Resolution R-91-07
4. Ordinance O-7-07

**DESIRED OUTCOME:**

**Vote on Resolution**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND CITY COUNCIL CHANGING THE EFFECTIVE DATE OF ORDINANCE O-7-07 (ANTI-SOLICITATION) ADOPTING SECTION 15-9, AND PROVIDING FOR FUTURE CHANGES TO THE EFFECTIVE DATE BY RESOLUTION

WHEREAS, the Mayor and City Council adopted Emergency Ordinance No. O-7-07 on June 18, 2007, changing the effective date of Section 15-9(f) of the City Code to September 1, 2007 in order to obtain an opinion from the Attorney General's office as to the constitutionality of Section 15-9; and

WHEREAS, Ordinance No. O-7-07 provides that the Council may change the effective date of the Ordinance in the future by resolution; and

WHEREAS, the Attorney General's Office has not yet issued the requested opinion regarding the constitutionality of Section 15-9; and

WHEREAS, the City Council finds that it is in the best interest of the City that the effective date of Section 15-9 be further extended as the City awaits the opinion from the Attorney General's office:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the effective date of Section 15-9, as contained in Section 15-9(f), is hereby extended so that Section 15-9 shall not become effective until February 6, 2008. In accordance with Ordinance No. O-7-07, the City Council may change the effective date of the Ordinance in the future by resolution.

ADOPTED by the Mayor and City Council this 7<sup>th</sup> day of January, 2008.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 7<sup>th</sup> day of January, 2008.

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James D. Arnoult, Acting City Manager