



## Gaithersburg

A CHARACTER COUNTS!

CITY OF GAITHERSBURG

MINUTES OF A CITY COUNCIL WORK SESSION

November 24, 2008

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A work session of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Ashman, Drzyzgula, Marraffa, Sesma, and Spiegel. Staff present: City Manager Jones, Assistant City Managers Felton Tomasello, City Attorney Board, Finance and Administration Director Belton, Planning and Code Administration Director Ossont, Sergeant Wagner, and Administrative Assistant Sanchez

### **I. TOPICS OF DISCUSSION:**

#### **A. Discussion Concerning a Citizen Request that the Mayor and City Council Support Statewide Legislation Associated With the Use of Diminutive Credits to Reduce Prison Terms**

Montgomery County Police Captain Mitch Cunningham, Senator Nancy King, and citizen David Udoff gave a presentation on a proposal they were working on to develop a bill that would not let more than 15 percent of a prison sentence be reduce by the use of diminutive credits, if a prisoner is convicted of a violent crime.

It was noted that a Gaithersburg resident was recently murdered by a violent offender who had been released from prison early from the use of diminutive credits. Senator King noted this would be a difficult bill to get passed in the General Assembly, but indicated she was committed to sponsoring the bill. After some discussion, the Mayor and City Council unanimously agreed that support of the bill should become part of the City's 2009 Legislative Agenda.

#### **B. Proposed Amendment to Section 61 of the Charter Entitled "Prohibitions and Restrictions Regarding Persons in Classified Service"**

Assistant City Manager Felton noted that City Attorney Board had determined that a portion of Section 61 of the City Charter was unconstitutional due to First Amendment concerns. The prohibitions contained in Section 61 prohibited members of the Classified Service (staff) from participating in any political activity.

Assistant City Manager Felton presented a draft amendment to Section 61 that would eliminate the unconstitutional language but would continue to prohibit staff from participating in political activity during working hours or while representing the City in an official capacity. After a brief discussion, the Mayor and City Council unanimously provided guidance to schedule the draft Charter Amendment for public hearing.

**C. Proposed Ordinance to Repeal and Reenact With Amendments to Chapter 7A of the City Code Entitled “Ethics Code”, Sections 7A-1, 7A-4 and 7A-5**

The Mayor and City Council discussed the proposed amendments to Sections 7A-1, 7A-4 and 7A-5 of Chapter 7 of the City Code. These amendments would change the gift amount under the conflict of interest provisions of the Ethics Code to increase the amount from \$10.00 to \$50.00 and clarify those employees and appointed officials to which the Ethics Code applies. The Mayor and City Council directed staff to schedule the proposed amendments for public hearing.

**D. Proposed Amendment to Section 57 of the City Charter and Adoption of a Resolution Establishing New Administrative Purchasing Procedures**

The Mayor and City Council discussed a proposed amendment to Section 57 of Charter and adoption of a Resolution establishing administrative purchasing procedures. The Charter amendment would delete purchasing limits from the Charter and require adoption of purchasing procedures by resolution. The proposed purchasing procedures would increase the current purchasing limits. The Mayor and City Council directed staff to schedule the proposed amendments for public hearing.

**E. Discussion Concerning Proposed Additional Criteria for the Neighborhood Matching Grant Program**

Assistant City Manager Felton and Administrative Assistant Sanchez explained that for the last three fiscal years, funds for the neighborhood Matching Grant Program had been expended by October 1<sup>st</sup> of each year. Staff explained the current criteria for the program, and discussed potential modifications.

After considerable discussion, the Mayor and City Council provided general guidance to staff on potential modifications outlined in the cover sheet. The City Council gave specific guidance that they supported a competitive application process with a defined application period to be reviewed by a staff team. The City Council also specifically noted that they were not supportive of having different monetary limits for grants based on community size. At the conclusion of the discussion, staff noted it would return to the Mayor and City Council with proposed criteria in the near future.

**II. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:45 p.m.

Respectfully submitted by,  
Various City staff.