

RESOLUTION NO. CA-3-09

A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
TO AMEND SECTION 59 OF THE CITY CHARTER  
ENTITLED "PERSONNEL REGULATIONS; MERIT  
SYSTEM; CLASSIFIED AND UNCLASSIFIED SERVICE  
MAY BE ESTABLISHED" AND SECTION 60 OF THE CITY  
CHARTER ENTITLED "COMPOSITION OF CLASSIFIED  
AND UNCLASSIFIED SERVICE"

WHEREAS, Sections 59 and 60 of the Charter of the City of Gaithersburg establish the classified and unclassified service for personnel employed by the City of Gaithersburg; and

WHEREAS, City Staff is recommending amending Sections 59 and 60 of the Charter for consistency with Personnel provisions of the City Code and to reflect all city officials and employees included in the classified and unclassified service.

WHEREAS, the amendment of Sections 59 and 60 of the Charter of the City of Gaithersburg was duly considered by the Mayor and City Council at a public hearing held on May 4, 2009.

NOW, THEREFORE, BE IT RESOLVED, that Sections 59 and 60 of the City Charter are hereby amended as follows:

Section 1 – That Sections 59 and 60 of the Charter of the City of Gaithersburg be, and the same are, repealed and reenacted with amendments as follows:

Sec. 59. Personnel regulations; merit system; classified and unclassified service may be established.

The council shall have the power to adopt personnel regulations governing the employees of the city which may include the establishment of a merit system. Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from termination, suspension or demotion ~~dismissal or other disciplinary action~~, and fringe benefits ~~vacation and sick leave regulations~~. If such merit system be established, the employees and officers of the city shall be divided into the classified service and the unclassified service.

Sec. 60. Composition of classified and unclassified service.

- (a) The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:
- (1) The mayor, the council ~~men~~ members, either elected or appointed ~~and persons appointed to fill vacancies in these positions.~~
  - (2) ~~The heads of all offices, departments, and agencies and m~~Members of city boards, ~~and commissions~~ and committees.
  - (3) The city manager, the assistant city manager(s), the city attorney and ~~the assistant city attorney~~ the heads of all departments established by the City Manager.
  - (4) Part-time, temporary, ~~and~~ unpaid offices and positions, and employees by contract or agreement.
- (b) The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section 2 – BE IT FURTHER RESOLVED that the date of the adoption of this resolution is May 4, 2009, and that the amendment to the Charter of the City of Gaithersburg, as herein adopted, shall be and become effective on July 1, 2009, unless on or before said date a proper petition for referendum of this resolution shall be filed as permitted by law.

Section 3 – BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877, until June 18, 2009, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Gaithersburg not fewer than four (4) times at weekly intervals before June 18, 2009.

Section 4 – AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

ADOPTED by the City Council this 4th day of May, 2009.

---

SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council In a public meeting assembled on the 4th day of May, 2009. The Resolution will become effective on the 1st day of July, 2009.

---

Angel L. Jones, City Manager