

Ordinance No. 15-15 ORDINANCE:

To amend Chapter 2 of the Rockville City Code, entitled "Administration" by adding a Division 4 entitled "City Attorney" and a Division 5 entitled "City Clerk~~Director of Council Operations~~" so as to add the Powers and Duties of the City Attorney and City Clerk to include provisions that the City Attorney and City Clerk shall have the same authority over the employees in their respective departments as the City Manager has over employees under the City Manager's jurisdiction with regard to personnel matters

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 2, entitled "Administration", be amended by adding a Division 4 entitled "City Attorney" and a Division 5 entitled "City Clerk~~Director of Council Operations~~" to read as follows:

CHAPTER 2. ADMINISTRATION

DIVISION 4. CITY ATTORNEY

ARTICLE 1. IN GENERAL

Section 2-36. Powers and duties

- (a) The City Attorney shall be the legal advisor to the City and shall hire, manage, and coordinate outside counsel and legal consultants as deemed necessary and as circumstances require. The City Attorney shall perform such other duties as may be required by the Council as set forth in the Charter.
- (b) Notwithstanding any other provisions in this Code, the City Attorney has the same authority over the employees in the City Attorney's office as the City

Manager has over employees under the City Manager's jurisdiction with regard to personnel matters, including but not limited to the following:

- (1) Hire, suspend, promote, demote, dismiss or change the employment status of any employee in the City Attorney's office;
- (2) Recommend to the Council for approval the classification or reclassification of all positions in the City Attorney's Office;
- (3) Recommend for approval by the Council rates of compensation covering all positions in the City Attorney's office including initial rates of pay for employees hired in the City Attorney's Office;
- (4) With the assistance from the Director of Human Resources, or designee, establish standards of qualifications for all positions in the City Attorney's Office, recruit, examine, investigate and determine qualifications of applicants for all positions in the City Attorney's Office and maintain such personnel records as may be required;
- (5) Establish work rules for employees in the City Attorney's office. Work rules so established shall not require the approval of the Mayor and Council;
- (6) Devise necessary administrative policies and procedures to execute and implement the approved work rules and personnel policies and procedures. Such administrative policies and procedures shall not require the approval of the Mayor and Council;
- (7) Administer such rules and procedures as may be set forth relating to the employees in the City Attorney's office;
- (8) Determine whether a probationary employee in the City Attorney's office has successfully completed his or her probationary period and should become a regular employee or whether the probationary employee should be released from employment with the City; and
- (9) Hire temporary personnel for the City Attorney's office as needed and within the limits set forth in the budget ordinance.

Sec. 2-37 - Council not to interfere with appointments or removals.

[[Neither the Council nor i]] Individual members of the Council shall not direct or request the appointment of any person to, or removal from, employment by the City Attorney or in any manner attempt to dictate the appointment or removal of employees in the civil service solely through the City Attorney. No member of the Council shall give orders to any subordinate of the City Attorney either publicly or privately.

[DIVISION 4] ARTICLE 2. - DEFENSE AND INDEMNIFICATION

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**DIVISION 5. CITY CLERK/DIRECTOR OF COUNCIL
OPERATIONS**

Section 2-56. Powers and duties

- (a) The City Clerk/Director of Council Operations shall attend all meetings of the Council, keep an account of the proceedings, keep such other records and perform such other duties as required by the Charter or by the Council.
- (b) Notwithstanding any other provisions in this Code, the City Clerk/Director of Council Operations has the same authority over the employees in the City Clerk's office as the City Manager has over employees under the City Manager's jurisdiction with regard to personnel matters, including but not limited to the following:
 - (1) Hire, suspend, promote, demote, dismiss or change the employment status of any employee in the City Clerk's office;
 - (2) Recommend to the Council for approval the classification or reclassification of all positions in the City Clerk's Office;
 - (3) Recommend for approval by the Council rates of compensation covering all positions in the City Clerk's office including initial rates of pay for employees hired in the City Clerk's Office;
 - (4) With the assistance from the Director of Human Resources, or designee, establish standards of qualifications for all positions in the City Clerk's Office, recruit, examine, investigate and determine qualifications of applicants for all positions in the City Clerk's Office and maintain such personnel records as may be required;

- (5) Establish work rules for employees in the City Clerk's office. Work rules so established shall not require the approval of the Mayor and Council;
- (6) Devise necessary administrative policies and procedures to execute and implement the approved work rules and personnel policies and procedures. Such administrative policies and procedures shall not require the approval of the Mayor and Council;
- (7) Administer such rules and procedures as may be set forth relating to the employees in the City Clerk's office;
- (8) Determine whether a probationary employee in the City Clerk's office has successfully completed his or her probationary period and should become a regular employee or whether the probationary employee should be released from employment with the City; and
- (9) Hire temporary personnel for the City Clerk's office as needed and within the limits set forth in the budget ordinance.

Sec. 2-57. - Council not to interfere with appointments or removals.

[[Neither the Council nor i]]. Individual members of the Council shall not direct or request the appointment of any person to, or removal from, employment by the City Clerk or in any manner attempt to dictate the appointment or removal of employees in the civil service solely through the City Clerk. No member of the Council shall give orders to any subordinate of the City Clerk either publicly or privately.

This Ordinance shall become effective on the effective date of Charter Amendment No. 2015-00064 and Charter Amendment No. 2015-00065, whichever effective date is later.

NOTE: [Brackets] indicate material deleted
Underlining indicates material added
Asterisks * * * indicate material unchanged by this ordinance
[[Double Brackets]] indicator material deleted after introduction
Double Underlining indicates material added after introduction

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I hereby certify that the foregoing is a true and correct copy
of an Ordinance adopted by the Mayor and Council at its
meeting of July 13, 2015.


Sara Taylor Ferrell, Acting City Clerk

