

HYATTSVILLE CHARTER AND CODE

**Chapter 4**

**ADMINISTRATION OF GOVERNMENT**

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[HISTORY: Adopted by the Mayor and Council of the City of Hyattsville 12-1-69. Sections 4-1A, 4-7, 4-10 and Art. II amended and § 4-8 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

- Charter
- Code of Ethics - See Ch. 10.
- Fire Department - See Ch. 14.
- Police Department - See Ch. 30.
- Health and Sanitation Committee - See Ch. 65.
- Parks and Recreation Committee - See Ch. 84.

**ARTICLE I**

**Administration**

- § 4-1. Mayor.**

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The Mayor is hereby authorized and empowered to execute and sign all contracts made by the City Council, which contracts shall be attested by the Clerk, who shall affix the Seal of the City thereto.

Pursuant to § C2-5 of the Charter of the City, the annual salary of the Mayor shall be four thousand five hundred dollars<sup>3</sup> (\$4,500.00). [Amended 2-19-74; 2-20-79 by HB No. 1-79; Amended 12-2-91 by HB No. 7-91]

### **§ 4-2. City Administrator. [Added 2-17-81 by HB No. 2-81]**

The City Administrator shall perform such duties as are enumerated in the City Charter, Code and Personnel Manual. In the absence of the City Administrator, such duties shall be performed by such person or persons as the Mayor and Council shall designate.

### **§ 4-3. City Council.**

Preparation and filing of annual financial statement. The City Council shall prepare and file among the records of the City annually a statement showing the amount of all moneys at the disposal of the City Council for public expenditure during each year terminating on the 30th day of June, the amount actually expended and for what purpose, together with the liabilities and credits of the City. Surrender of books, records and other City property to successors. The members of the City Council shall turn over to their successors after each election, when they shall have qualified and entered on the duties of their office, all the books, papers and records and other City properties in their possession.

Pursuant to § C2-6 of the Charter of the City, the annual salary of each City Councilmember shall be three thousand dollars<sup>4</sup> (\$3,000.00) per year. [Amended 2-19-74; 2-20-79 by HB No. 1-79; Amended 12-2-91 by HB No. 7-91]

### **§ 4-4. City Clerk; City Treasurer. [Amended 3-2-70; 5-19-80 by HB No. 11-80]**

A. Purchase orders. The Treasurer shall sign all purchase orders, with the exception of bids and contracts as provided in § C5-21 of the Charter.

B. Payment of bills.

(1) The Treasurer shall pay all bills against the City Council, upon the orders of the City Council, when such bills shall be presented to him with a warrant properly signed by the liaison to the Finance Officer, provided that, in the absence of or in case of the inability of the Council liaison to the Finance Officer to function, the Mayor may sign such warrants as may be necessary for the payment of bills and report the same to the Council Committee for its records.

(2) If the City would be entitled to a discount by paying any bill within ten (10) days of its receipt, the procedures set forth in Subsection B(1) hereof shall not apply, and said bill shall be paid immediately by the Treasurer upon presentation of a warrant signed by the head of the appropriate City department and the City Administrator. [Added 10-20-80 by HB No. 18-80]

C. Application and issuance of permits.

(1) Except as otherwise provided, when any person shall desire the issuance of any permit for which a fee shall be charged or a deposit required, application therefor shall be made to the City

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<sup>3</sup> *The Compensation of the Mayor has subsequently been amended by Hyattsville Resolution 5-91, Hyattsville Bill 7-91 and Hyattsville Bill 99-01. Copies are available in the office of the City Clerk.*

<sup>4</sup> *The Compensation of City Councilmembers has subsequently been amended by Hyattsville Resolution 5-91, Hyattsville Bill 7-91 and Hyattsville Bill 99-01. Copies are available in the office of the City Clerk.*

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Clerk, who, if the applicant is entitled to such permit, shall issue the required permit on payment of the stipulated fee.

(2) The City Clerk shall procure and provide such blanks or forms as may be necessary to carry out the provisions of this section and shall pay the cost or expense thereof out of any funds in the treasury provided for the expenses of the City Clerk's office.

D. The City Treasurer shall render to the City Council annually a report of all moneys received, disbursed and on hand up to and including the 30th day of June of each year and of all accounts receivable and payable at that date.

E. Pursuant to § C5-3 of the Charter of the City, the Treasurer shall provide a corporate surety bond in the amount of fifty thousand dollars (\$50,000.00).

### **SPECIAL COMMITTEES AND CITY DEPARTMENTS**

#### **ARTICLE II**

##### **Administration of Government**

##### **§ 4-5. Creation of special committees; nominations. [Amended 3-3-08 by HO-2008-03, Amended 11-1-10 by HO-2010-03]**

A. The Mayor or the City Council may create special committees, commissions and task forces as they deem necessary. Nominations to bodies created by the Mayor shall be made by the Mayor and approved by the Council. Nominations to Council created bodies shall be determined by the Council.

B. Prior to the creation of any new committee, commission or task force, the following information shall be presented at a public meeting of the City Council:

- (1) A mission statement, including the purpose, scope and deliverables required;
- (2) The frequency of meetings, the minimum number of meetings per year and whether it is permanent or temporary (in which event an estimated time for its existence shall be included);
- (3) The composition of its members, any applicable qualifications, the scope of participation by Council liaison, Council members, or City staff and whether participation by all wards is recommended or required;
- (4) The term of office of members including renewal/reappointment dates and times;
- (5) The applicable grounds for removal of any member and the City bodies with such removal authority

C. Each special committee, commission, or task force is required to do the following:

- (1) Notify the public in advance of all meetings;
- (2) Maintain minutes for each meeting;
- (3) Provide the City Administrator and Council with a copy of the minutes for each meeting;
- (4) Notify the City Administrator and Council if a scheduled meeting is cancelled;
- (5) Comply with the Open Meetings Act, currently codified at State Government Article §§10-501-10-512;

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- (6) Close meetings only in accordance with the Open Meetings Act;
- (7) Notify the City Administrator and Council in the event a member is involuntarily removed;
- (8) Notify the Council in the event the special committee, commission, or task force dissolves prior to the expiration of its term, including the reason for the dissolution.

D. The City Clerk shall maintain a list of the members of each special committee, commission, or task force and the time for appointment or replacement.

E. The names of all members nominated for each committee, commission or task force shall be publicized prior to Council vote.

F. The City Council shall have the authority to remove any person from any committee, commission or task force for good cause after affording the person reasonable notice and the opportunity to be heard by Council or its designee.

### **§ 4-6. Department of Public Works. [Amended 12-5-16 by HO-2016-02]**

A. Director of Public Works. The Director of Public Works shall be hired by the City Administrator, shall be a Department Director, and shall attend all regular meetings of the City Council and committee meetings when called upon to attend.

B. Duty hours. The regular duty hours of the Director shall be the same as those of the Department's labor force.

C. Prerequisite for employment; exception. To be eligible for appointment or for temporary employment on the Department labor force, an applicant must pass a physical examination by competent medical authority, showing the applicant's ability to perform sustained and arduous work, provided that in lieu of such examination, the City may hire employees on the Department labor force based on their previous experience and ability and personal interview.

D. Duty hours for labor force. The time for coming to work and the number of hours of work per day shall be determined by the Director under the direction of the City Administrator.

### **§ 4-7. Department of Human Resources. [Added 3-5-12 by HO-46-03-12, Amended 12-5-16 by HO-2016-02]**

A. Position. The Director of Human Resources shall be hired by the City Administrator, shall be a Department Director and shall attend all regular meetings of the City Council and Committee meetings when called upon to attend.

B. Duties. The Director of Human Resources shall:

- (1) Have overall responsibility for establishing, maintaining and coordinating personnel transactions and records management systems and procedures for all City employees consistent with state and federal laws.
- (2) Advise and assist supervision/management on all City personnel transactions and records management systems and procedures related to personnel.

C. Functions. The Director of Human Resources shall be responsible for:

- (1) Recommendations to the City Administrator and/or to the Mayor and Council for the establishment and the classification of all positions in the personnel system, assigning to each the appropriate title, experience capacity, knowledge, skill and other qualifications

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including the minimum prerequisites to be required for appointment. All positions in the classification plan with similar duties and responsibilities should have similar compensation. The classification so recommended shall be transmitted to the Mayor and Council for adoption. Every position in the personnel system shall be allocated to one of the classes and thereafter the position title and class so established shall be used in all personnel, fiscal and other documents and correspondence of the City.

- (2) Recommendations for the administration of rates of compensation covering all classes of positions in the personnel system in conjunction with the finance department. Such recommendations shall be included each year as a part of the budget recommendations of the City Administrator.
- (3) Establishing standards of qualifications and duties for all City employment positions.
- (4) Recruiting, examining, investigating and determining qualification of applicants for all positions in the personnel system.
- (5) Documenting the appointment, transfer, promotion, reclassification, demotion, suspension, dismissal or any other change of status of an employee.
- (6) Maintenance and security of all personnel records.
- (7) Recommending measures calculated to promote efficiency, safety and fairness.
- (8) Devising necessary administrative procedures and forms as to its employees to execute the policies of the City.
- (9) Administering such rules and procedures as may be set forth in the personnel manual.

### D. Records, forms and reports.

- (1) The Director of Human Resources shall cause to be maintained a complete personnel file for each employee. Such file shall contain a personal history form or application form and all other records, memoranda or other data pertinent to the development of a complete record of the employee's service with the City. The Director of Human Resources shall develop such other forms and procedures as may be required to carry out the provisions of this Article. Personnel records will be secured so as to ensure the confidentiality of their contents. No person may have access to an employee's personnel file, or be provided information concerning its contents, except the employee, persons authorized in writing by the employee and the persons who supervise the employee's work.
- (2) All information regarding an employee's medical condition, including the results of alcohol/drug screening and referral to the employee assistance program will be treated as a confidential medical record and will be maintained and secured. No one will be allowed access to confidential medical records except the employee and those persons who require such access in order to make decisions concerning the employee's ability to perform the essential functions of the employee's job.

## **ARTICLE III**

### **Personnel Regulations**

**§ 4-7. Personnel Manual.<sup>5</sup>**

The City's personnel rules, regulations and policies shall be kept in the form of a Personnel Manual, which may be changed from time to time by resolutions of the City Council as it deems desirable or necessary in accordance with the City's merit system.

**§ 4-8. Prohibitions and penalties regarding merit system.**

A. Prohibitions. If a merit system is adopted, no person in the classified service of the City or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his age, race, color, creed, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity or expression, physical characteristic or political or religious opinions or affiliations or any other factors not related to ability to perform the work, no person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of the Charter or of the rules and regulations made thereunder, no person seeking appointment to or promotion in the classified service of the City shall either, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion, no person shall orally, by letter or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the City, and no person holding a position in the classified service of the City shall make any contribution to the campaign funds of any political party or any candidate for public office in the City of Hyattsville or take any part in the management, affairs or political campaign of any political party or candidate for public office in the City of Hyattsville further than in the exercise of his right as a citizen to express his opinion and to cast his vote. [Amended 9-9-90 by HB 6-90]

B. Penalties. Any person who, by himself or with others, willfully and corruptly violates any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. Any person who is convicted under this section shall, for a period of five (5) years, be ineligible for appointment to or employment in a position in the City service and shall, if he is an officer or employee of the City, immediately forfeit the office or position he holds.

**§ 4-9. Participation in social security system.**

Commencing July 1, 1960, all employees of the City, except elected officials and those under contract, shall be participants in the social security system, and regular required deductions from their pay will be made accordingly.

**§ 4-10. Report of injury.**

Every employee of the City shall report fully and accurately and as soon as possible any injury he may receive while on duty as a City employee. For the protection of both the employee and the City, it is essential that the proper forms be filed promptly, and that proper medical attention be given as soon as possible. Forms and instructions for dealing with these matters are obtainable at the City Office.

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<sup>5</sup> Editor's Note: The Personnel Manual referred to herein is on file and open to public inspection in the office of the Administrator.

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### § 4-11. City Seal. [Added 2-2-09 by HO-2009-03]

A. Adoption of Seal. There is adopted and provided for the City a seal that shall be known as the “City Seal of the City of Hyattsville.”

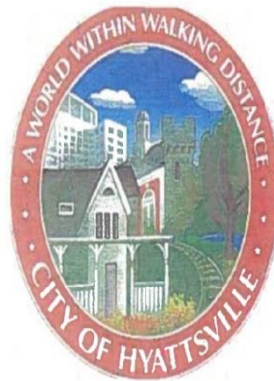
B. Description. The City Seal of the City of Hyattsville consists of a circular disk, the center of which contains three lines: the top line contains the word “Incorporated” in capital letters; the middle line contains the word “Seal” in capital letters larger than the other lines, with a dot on each side of the word; and the bottom line contains the words “April 1886” in capital letters. The center of the disk also contains two small stars, one centered above the top line and one centered below the bottom line. The center of the disk is surrounded by a ring of small dots and a braided ring, between which are the words “City of Hyattsville” in capital letters on the upper half and the word “Maryland” in capital letters on the lower half.

### § 4-12. City Logos. [Added 2-2-09 by HO-2009-03]

A. Adoption of Logo. There is adopted and provided for the City three logos that shall be known as “A WORLD WITHIN WALKING DISTANCE”, “A GOOD PLACE TO LIVE” and “POLICE” all logos of the City of Hyattsville.

B. Descriptions.

(1) The “A WORLD WITHIN WALKING DISTANCE” logo of the City of Hyattsville consists of a circular disk, the center of which contains sky, clouds, buildings, houses and train tracks in the colors of green, red and blue. The disk is surrounded by a reddish circle, the upper half of which contains the words “A WORLD WITHIN WALKING DISTANCE” in white capital letters and the lower half of which contains the words “City of Hyattsville” in white capital letters. There are three stars separating the wording on the upper and lower halves of the circle on either side. A facsimile is immediately below:



(2) The “A GOOD PLACE TO LIVE” logo of the City of Hyattsville consists of a circular disk, the center of which contains the waving state flag of Maryland on a background of small black dots. The disk is surrounded by a yellow inner circle, the upper half of which contains the words “A GOOD PLACE TO LIVE” in black capital letters and the lower half of which contains the words “Since 1886” in black capital letters. The yellow inner circle is surrounded by a black outer circle, the upper half of which contains the words “City of Hyattsville” in white capital letters and the lower half of which contains the word “Maryland” in white capital letters. A facsimile is immediately below:

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(3) The “POLICE” logo consists of a four-sided irregular shape consisting of a semicircle on top for three quarters (3/4) of its height and of three straight equal sides, with two of the sides attached at an obtuse angle to the bottom and extending up to attach to the lowest part of the semicircle, bordered with a narrow yellow stripe, inside of which is a wider black stripe with “City of Hyattsville” on the semicircle and “Police” in thicker letters on the bottom side, (all writing colored white) and a yellow border inside the black border with the words “A GOOD PLACE TO LIVE” in black, centered in the semicircle, and the balance of the logo inside this inner yellow border is colored blue with a modified miniature version of the pictured figures in the Great Seal of Maryland. A facsimile is immediately below:



### **§ 4-13. Custodian of Seal and Logos. [Added 2-2-09 by HO-2009-03]**

The City Clerk of the City of Hyattsville shall be the custodian of the City Seal and logos of the City of Hyattsville.

### **§ 4-14. Definitions. [Added 2-2-09 by HO-2009-03]**

For purposes of this Article the following words and phrases are defined and shall be construed to have the following meaning:

- (1) “City seal” means and includes the City seal of the City of Hyattsville and any copy, facsimile, reproduction, or imitation thereof.
- (2) “City logo” means and includes the “A WORLD WITHIN WALKING DISTANCE”, the “A GOOD PLACE TO LIVE” and the “POLICE” logos of the City of Hyattsville and any copy, facsimile, reproduction, or imitation thereof.
- (3) “City stationery” means and includes, but shall not be limited to, the following materials: letterhead, envelopes, business cards, labels, checks, warrants, business forms, ordinances, resolutions, motions, any written or printed materials, used in authorized and official City business.



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**§ 4-15. Prohibited uses of City seal or logo. [Added 2-2-09 by HO-2009-03]**

A. Without the express authorization of a majority of the City Council members, no person or entity may use, or authorize the use of the City seal or logo or any similar emblem or facsimile of the City seal or logo that may lead a reasonable person to assume it is the City seal or a City logo.

**§ 4-16. Authorized uses of City seal or logo. [Added 2-2-09 by HO-2009-03]**

A. The following are authorized uses of the City seal or the City logos entitled “A WORLD WITHIN WALKING DISTANCE” and “A GOOD PLACE TO LIVE”:

- (1) Use on City stationery or other City written or printed materials
  - (a) containing the printed names of the Mayor, or members of the City Council when specifically authorized by a majority of the members of the City Council;
  - (b) containing the printed name of a City official upon prior consent of the respective City official;
  - (c) by a City official or employee used in authorized and official City business; and
  - (d) by a member of the City Council for individual correspondence, or the reproduction and distribution of a City Council member’s letter by the recipient thereof, at no cost to the City of Hyattsville.
- (2) Use on written or printed material in support of or in opposition to any state or federal legislation or statewide referendum, initiative or other ballot measure, when specifically authorized by a majority of the members of the City Council.
- (3) Use for embroidery or other placement on uniforms, named badges and other clothing and identification materials worn or used by City employees and City officials.
- (4) Use for printing on official City promotional and recognition materials, such as pens, plaques, coffee mugs and other similar items as may be approved by the City Manager.
- (5) Use by elected City officials, at their own expense, for printing or placement on materials, such as shirts, pens, coffee mugs and other similar items.

B. The following are authorized uses of the City logo entitled “POLICE”:

- (1) Use on City stationary or other written or printed materials so long as it is originating in the police department and its use is authorized by the chief of police;
- (2) Use for embroidery or other placement on uniforms, named badges, and other clothing and identification materials worn or used by City employees and City officials;
- (3) Use for printing on official police materials, as well as pens, plaques, coffee mugs, and other similar items as may be approved by the chief of police.

C. Nothing in this Section shall be construed so as to authorize use of the City seal or logo in connection with any political campaign or political issue.

**§ 4-17. Violation constitutes a misdemeanor. [Added 2-2-09 by HO-2009-03]**

Violation of this Article shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or both.