

Mayor D. S. Gysberts called this Work Session of the Mayor and City Council to order at 4:00 p.m., Tuesday, November 27, 2012, in the Council Chamber, 2nd Floor, at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson and P. M. Nigh; City Administrator Bruce Zimmerman, City Attorney John Urner, City Attorney William Nairn, and D. K. Spickler, City Clerk.

Establish Meeting Schedule

The Mayor and Council established their meeting schedule to be Work Sessions on the first, second and third Tuesdays at 4:00 p.m. and the Regular Session on the fourth Tuesday at 7:00 p.m.

Discussion with John Urner, City Attorney

City Attorneys John Urner and William Nairn were present to discuss various aspects of municipal government.

Mr. Urner stated the City of Hagerstown is a Council/Administrator form of government. The Charter establishes the form of government and how the City operates. The Mayor and City Council determine policy and pass legislation to implement the policy and laws. The City Administrator is responsible for carrying out the day to day operation of the government. The Mayor and Council do not direct the City Administrator as individuals, but as a body. Mayor and Council members do not direct individual staff members, as stipulated in the Charter. The Mayor and Council would make a directive and it would be the City Administrator's responsibility to implement the directive. The Mayor is the presiding officer and presides over all Mayor and City Council meetings. Responsibilities of the Council are found in Article 2 of the Charter. If a vote on an action, expect for the passage of ordinances, ends with a tie, the Mayor has the right to cast the deciding vote. The Mayor also has the right to veto any ordinance passed by the Council, according to the City Charter. The Mayor's duties and responsibilities are found in Article 3 of the Charter. Powers of the City are found in Article 4 of the City Charter. This section includes a list of more than 50 specific areas in which the Council is empowered to act on.

The City Attorneys are appointed by the Mayor and City Council. The City Attorneys are John Urner, William Nairn and Mark Boyer. They are contract employees. Mr. Urner urged the Mayor and Council to contact them with any questions they may have.

Councilmember Munson asked if the Mayor always breaks a tie with a Yes vote. Mr. Urner stated a tie is a negative action; therefore, the only way to break a tie is to vote yes.

Mr. Nairn discussed the Ethics Code. The Code applies to members of the Mayor and Council, board members and employees. A financial disclosure statement must be filed annually by Mayor and Council members and other staff members. The City's Ethics Code was revised in October, 2010 to meet the requirements of the State Ethics Commission. There is an extensive list of prohibited acts in the revised code. Mayor and Council members are prohibited from using the prestige of the office for private gain and

from being employed by or having an interest in an entity that is in negotiations with the City, as well as many others. Mr. Nairn indicated the Mayor and Council should be cautious about accepting gifts. Section G of the Ethics Code provides guidance on the disclosure of confidential information. Any complaints of violations of the Ethics Code are heard by the City Ethics Commission. The Commission may also hear requests for exemptions from certain provisions in the Code.

Councilmember Aleshire asked if information discussed during Executive Sessions of a previous administration must be kept confidential by the current administration. This would include information received by the current administration that was deemed confidential by a previous administration.

Mr. Nairn will have to research this.

Councilmember Aleshire asked if the provisions regarding the procurement process mean that an elected official is prohibited on bidding on any aspect of the project. He mentioned if the Mayor and Council are determining the properties to acquire, determining infrastructure needs, etc., they would be involved in the procurement process. Mr. Urner indicated acquisition is not bidding on a project. Mr. Nairn indicated he did not believe this Council would be creating the bid specifications.

Councilmember Brubaker stated the deadline to file the Financial Disclosure form for elected officials is now April 30, rather than January 31.

Councilmember Metzner stated MML is working to have State regulations be less cumbersome. He understands that all boards and commissions members will have to complete the 15 page form in the near future.

The forms are filed with the City's Ethics Commission and kept on file in the City Clerk's office.

Mr. Urner stated the City has powers under Home rule that are granted by the State of Maryland. However, the City cannot impose a sales tax. The City has no power over licensing for alcoholic beverages. The City has no authority in regard to public education.

Mr. Nairn stated the City cannot grant tax credits or exemptions unless specifically authorized by the State.

City Administrator's Comments

Bruce Zimmerman, City Administrator, congratulated the Mayor and Council at the start of their new term. He hopes they find the next four years fulfilling.

Mayor and Council Comments

Councilmember D. F. Munson thanked staff for organizing the swearing in ceremony

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that was held on November 26, 2012. He thanked staff for the orientation book they provided to the incoming administration.

Councilmember K. B. Aleshire also thanked staff for the ceremony that was presented yesterday. He stated this administration will be dealing with big issues immediately. He is looking forward to resolving those issues and moving forward.

Councilmember M. E. Brubaker thanked and commended Councilmember Breichner for his long time service to the City of Hagerstown. He held many positions in the Utilities department, including draftsman and director. He served as City Administrator. He also served as Mayor and as Councilmember. He is a true gentlemen and he thanks him for his dedication. He thanked Mayor Bruchey for his years of service. Mayor Bruchey was enthusiastic and wanted to advance Hagerstown. He offered good wishes to Councilmember Haywood and Councilmember Easton. He appreciated their enthusiasm and fresh ideas for the City. He congratulated the North Hagerstown High School volleyball team for winning the State championship in their division. Smithsburg and Williamsport also won their divisions in the State tournament. He attended the games and it was good to see schools cheering for each other. He thanked all his supporters for their efforts. He is willing to move the City forward.

Councilmember L. C. Metzner is looking forward to working within this administration. This administration will have difficult issues to discuss. Funding will be an issue.

Councilmember P. M. Nigh stated she is glad to be back on the Council. The Tree Lighting will take place at City Park on Friday, November 30, 2012 at 7:00 p.m.

Mayor D. S. Gysberts thanked everyone for attending this meeting. He is ready to move forward. He believes there are a lot of common ground topics to build on. He thinks this administration can maintain professionalism and integrity. He welcomed his father, who was in attendance.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 5:09 p.m.

Respectfully submitted,

Donna K. Spickler, City Clerk

Approved: December 18, 2012