

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

CHARTER AMENDMENT RESOLUTION No. CA-20-01

-
Introduced by: City Council
Date Introduced: March 30, 2020
First Reading: March 30, 2020
Second Reading:
Date Adopted: March 30, 2020
Date Effective: May 19, 2020

A CHARTER AMENDMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT, passed pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code to amend the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7, 2008 Replacement Edition and November 2011 Supplement) for the purposes of repealing Powers and Duties of the Mayor; providing that the title of this Charter Amendment Resolution shall be deemed a fair summary; and generally relating to the governance of the City of Seat Pleasant.

RECITALS

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the City Council of the City of Seat Pleasant (the “City Council”), as the legislative body of the City of Seat Pleasant, Maryland (the “Town”), is authorized and empowered to amend the Municipal Charter of the City of Seat Pleasant (the “Charter”); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the City Council or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the City Council; and

WHEREAS, pursuant to Md. Code Ann., Local Gov’t §§ 4-302(1) and 4-304, the City Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in the subtitle, is ordained or passed as in the usual course of considering resolutions in the City government, by a majority of the City Council, and the same shall be subject to the right of referendum; and

WHEREAS, the City Council is desirous of amending the Charter to clarify the Powers and Duties of the Mayor; and

WHEREAS, the City Council, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, pursuant to the authority of Article XI-E of the Constitution of Maryland and §§ 4-302(1) and 4-304 of the Local Government Article of the Maryland Annotated Code, the Municipal Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 7, 2008 Replacement Edition and November 2011 Supplement) be, and the same is hereby, amended:

SECTION 1. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to Article IV (The Mayor), Section § C-403 of the Charter:

ARTICLE IV The Mayor

Section C-403. Powers and Duties

- (a) The Mayor shall be the Chief Executive Officer of the City government and shall have such powers and perform such duties as may be prescribed by this Charter. The Mayor is authorized to sign and execute documents and to accept service of legal process on behalf of the City. The Mayor shall see that the Ordinances of the City are faithfully executed and enforced and perform such other duties which are not inconsistent with this Charter as may be authorized by the Council. THE MAYOR SHALL HAVE THE POWER TO SET POLICIES THAT THE MAYOR DETERMINES ARE NECESSARY AND BENEFICIAL FOR THE DAY TO DAY OPERATION. SUCH POLICIES SHALL BE SET BY WRITTEN EXECUTIVE ORDER, WHICH SHALL BE NUMBERED BY THE YEAR IT IS ISSUED AND THE NEXT EXECUTIVE ORDER FOR THAT YEAR (I.E. THE FIRST SUCH EXECUTIVE ORDER FOR 2020 SHALL BE NUMBERED 01-2020, THEN SO FORTH). NO SUCH EXECUTIVE ORDER SHALL VIOLATE ANY PORTION OF THE CITY CHARTER OR CITY CODE NOR SHOULD IT BE INCONSISTENT WITH ANY DECISION TAKEN BY THE CITY COUNCIL. THE MAYOR SHALL PROVIDE A COPY OF ALL EXECUTIVE ORDERS TO THE CITY CLERK AFTER SIGNED BY THE MAYOR. THE CITY CLERK SHALL FORWARD COPIES OF ANY AND ALL EXECUTIVE ORDERS TO THE CITY COUNCIL AS SOON AS RECEIVED. THE CITY COUNCIL CAN OVERRIDE AN EXECUTIVE ORDER OF THE MAYOR WITH A MAJORITY VOTE OF THE CITY COUNCIL. THE MAYOR SHALL HAVE THE AUTHORITY TO DECLARE A STATE OF EMERGENCY FOR THE CITY OF SEAT PLEASANT IN ACCORDANCE WITH THE STATE OF MARYLAND, AND THE SEAT PLEASANT EMERGENCY PREPAREDNESS AND OPERATION PLAN OR THERE IS AN EMERGENCY WITHIN

THE BOUNDARIES OF THE CITY OF SEAT PLEASANT. IN THE EVENT OF A STATE OF EMERGENCY, THE MAYOR SHALL HAVE THE AUTHORITY TO MAKE PURCHASES CONSISTENT WITH §§ 39-1 AND 39-2(2) OF THE PURCHASING SECTIONS OF THE CITY CODE.

- (b) No Change
- (c) No Change
- (d) No Change

SECTION 2. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in bold brackets. Language added after the date of introduction is in italicized, boldface type and text deleted after the date of introduction is crossed out twice and enclosed in bold brackets.

SECTION 3 BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the City Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 4. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that to the extent that any section of the Charter is in conflict with the provisions of Sections 1 through 4 of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 5. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the date of passage of this Resolution is March 30, 2020, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after passage, or on May 19, 2020, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after passage, or on May 8, 2020, as provided by law. A complete and exact copy of this Resolution shall be posted at City Hall, 311 68th Pl, Seat Pleasant, Maryland 20743, or another main municipal building or public place, for a period of at least forty (40) days following its passage, or until May 8, 2020, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its passage, or between April 9, 2020 and April 30, 2020.

SECTION 6. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter amendment enacted by this Resolution shall become effective, either as herein provided or following a referendum, the City

Clerk shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the City Council or in a referendum; and (4) the effective date of the Charter amendment.

SECTION 7. BE IT FURTHER RESOLVED BY THE BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 5 and 6 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the City Council for the meeting at which this Resolution is passed: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 5 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendment shall have been published as provided in Section 6 herein; and (3) the return receipt of the mailing as provided in Section 6 herein.

[THIS SPACE INTENTIONALLY LEFT BLANK]

This Charter Amendment Resolution was introduced at a public meeting of the City Council of the City of Seat Pleasant, held on the 30th day of March, 2020, and having been reviewed and considered for final action, was duly passed and adopted on the 30th day of March, 2020.

CITY COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

06C6E022B42C400...


Charl Jones, Councilmember

Hope Love, Councilmember

DocuSigned by:

5512AAEA3096484...

Lamar Maxwell, Councilmember

DocuSigned by:

4DAF49502EBC4FE...

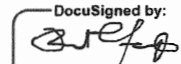
Shireka McCarthy, Councilmember

DocuSigned by:

DEBE4E408CFF457...

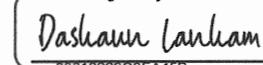
Kelly Porter, Councilmember

Gloria L. Sistrunk, Councilmember

DocuSigned by:

F0F93B9AC2BC4D0...

Reveral L. Yeargin, Councilmember

ATTEST:

DocuSigned by:

88619229C0EA45B...

Dashaun N. Lanham, CMC
City Clerk

