

RESOLUTION NO. 520

MAYOR AND CITY COUNCIL OF POCOMOKE CITY

A Resolution amending various sections of the Pocomoke City Charter.

RECITALS

- A. The Pocomoke City Council has determined that the Pocomoke City Charter should be updated to remove inconsistencies and outdated language and to improve the ability of the City Council to govern the City; and
- B. The Maryland Code authorizes the Council to amend its Charter through a resolution and appropriate notice to the public.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Pocomoke City, that:

Section 1. In accordance with Md. Code, Local Gov't Art. § 4-301 et seq., the City amends Pocomoke City Charter as follows:

§ C-20. Qualifications of Manager.

The City Manager shall be chosen on the basis of **[his]** executive ability and administrative qualifications with special reference being made to **[his]** actual experience in, or knowledge of, accepted practice in respect to the duties of **[his]** *the* office, as hereinafter set forth. *The City Manager must reside at a location so that the City Manager is continually available to meet the needs of the position in a timely manner. [At the time of his appointment, he need not be a resident of the City or the State of Maryland but during his tenure of office he shall reside within the City.]*

§ C-21 Salary of Manager.

[The City Manager shall receive such compensation as the Council shall determine from time to time.]

The City Manager's salary shall be assessed annually during the fiscal year budget review and increased or decreased by the approval of the Council.

§ C-23 Powers and duties.

A. The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City and, to that end, subject to the personnel provisions of this Charter, he shall have power and shall be required to appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office. *All new hires for the positions of City Clerk, Deputy Clerk, Finance Director, Water Department Billing,*

Cashier, Accounts Payable, and all other department heads must be approved by Council.

§ C-24 General Powers.

B. (14) Curfew. **[To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.]** *A curfew can be established for the safety of the City.*

(17) **[Disorderly houses. To suppress bawdy houses, disorderly houses and houses of ill fame.]** *Reserved.*

(18) **[Dogs.]** *Domestic Animals.* To regulate the keeping of **[dogs]** *domestic animals* in the City and to provide, wherever the county does not license or tax **[dogs]** *domestic animals*, for the licensing and taxing of the same; to provide for the disposition of homeless **[dogs]** *domestic animals* and ~~**[dogs]**~~ *domestic animals* on which no license fee or taxes are paid.

(26) Gambling. **[To restrain and prohibit gambling.]** *To comply with State and County laws regarding gambling.*

§ C-28. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of five (5) members who shall be appointed by the **[Mayor with the approval of the]** Council on or before the fourth Monday in January in every even-numbered year. The terms of members of the Board of Supervisors of Elections shall begin on the first Monday in February in the year in which they are appointed and shall run for two years. Members of the Board of Supervisors of Elections shall be qualified voters of the City and shall not hold or be candidates for any elective office during their term of office.

The board shall appoint one of its members as Chairman.

Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term.

The compensation of the members of the board shall be determined by the Council.

§C-35. Election of Mayor and Councilmen.

A. On the first Tuesday in April **[in 1966]** *of 2021, and every 4 years after that*, the Mayor shall be elected for a **[two]** *four*-year term. **[On the first Tuesday in April every two years thereafter a Mayor shall be elected to serve for a period of two years, until the first Tuesday in April in 2002 and every three years thereafter, to serve for a period of three years.]**

B. The City shall be divided by law into five (5) legislative districts for the election of members of the City Council. Each legislative district shall contain one Councilmember who shall be elected by the registered voters of that legislative district only. *The terms of Council members elected after 2021 will be 4 years.* **[All Council members shall serve for a period of three years. Notwithstanding the above, all presently elected**

Councilmembers shall be allowed to complete their present terms regardless of which district they reside in.]

§ C-41. [Women.] *Removal of Elected or Appointed City Official.*

[Women shall have equal privileges with men in registering, voting, and holding City offices. Whenever the masculine gender has been used in this Charter, it shall be construed to include the feminine gender.]

Any City official who is unable, by reason of physical or mental disability, to perform the duties of office for a continuous period of six months can be removed from office before the end of his/her term by a vote of four members of the Council.

[§ C-42 A. Election - 1966.]

[Nothing contained in this Charter shall affect appointment of judges of election, registration officials, registration of voters, appointment of election officials, nomination and qualifications of candidates or the conduct of the election for Mayor and Councilmen to be held on the first Tuesday in April, in the year 1966. The election to be held on the first Tuesday in April, in 1966, shall be governed by the provisions of the Charter of the Mayor and Council of Pocomoke City in force and effect prior to the adoption of this Charter.]

§ C-44. [City Clerk.] *Finance Director.*

A. There shall be a [City Clerk] *Finance Director* appointed by the City Manager with the approval of the Council. He/*she* shall serve at the pleasure of the City Manager. His/*her* compensation shall be determined by the Council.

B. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the [City Clerk] *Finance Director* under the direct supervision of the City Manager.

§ C-45. Powers and Duties of [City Clerk]. *Finance Director.*

Under the supervision of the City Manager, the [City Clerk] *Finance Director* shall have authority and shall be required to:

A. Prepare at the request of the City Manager an annual budget to be submitted by the City Manager to the Council.

B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

C. Maintain a general accounting system for the City in such form as the Council may require, not contrary to State law.

D. Submit at the end of each fiscal year, and at such other times as the Council may require, a complete financial report to the Council through the City Manager.

E. Ascertain that all taxable property within the City is assessed for taxation.

F. Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the City and all other revenues for whose collection the City is responsible, and receive any funds receivable by the City.

G. Have custody of all public moneys, belonging to or under the control of the City, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the City.

H. Do such other things in relation to the fiscal or financial affairs of the City as the Mayor, Council or City Manager may require or as may be required elsewhere in this Charter.

§ C-46. Bond of [City Clerk.] Finance Director.

The [City Clerk] Finance Director shall provide a bond with such corporate surety and in such amount as the Council by Ordinance may require.

§ C-54 Checks

All checks issued in payment of salaries and other municipal obligations shall be issued and signed by the [City Clerk] Finance Director or in the event of his absence or disability the Council may authorize some other officer of the City to issue and sign such checks. All checks must be countersigned by one of the Vice-Presidents of the City Council or in their absence, by the President of the City Council. In the absence of the President and Vice-Presidents of the City Council, the Temporary President of the Council must countersign the checks.

§ C-57 Notice of Tax Levy.

Immediately after the levy is made by the Council in each year, the [City Clerk] Finance Director shall give notice of the making of the levy by posting a notice thereof in some public place or places in the City. He shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property.

§ C-59 Sale of tax-delinquent property.

A list of all property on which the City taxes have not been paid and which are in arrears, as provided by Section C-58 of this Charter, shall be turned over by the [City Clerk] Finance Director to the official of the County responsible for the sale of tax delinquent property as provided in State law. All property listed thereon shall, if necessary and if not sold for taxes by this County official, be sold by the City Clerk, in the manner prescribed by State law.

§ C-66. City Attorney.

The **[Mayor]** *City Manager*, with the approval of the Council, **[may]** *shall* appoint a City Attorney. The City Attorney shall be a member of the Bar of the Maryland Court of Appeals. The City Attorney shall be the legal advisor of the City and shall perform such duties in connection as may be required by the Council**],** **Mayor]** or City Manager. **[His]** *The City Attorney's* compensation shall be determined by the *City Manager, with approval by the* Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

§ C-66A. Chief of Police.

The City Manager, with approval of the Mayor and Council, shall appoint a qualified person to be Chief of Police who shall hold office until his/her successor has been qualified, unless sooner removed by the City Manager. The City Manager has one year to appoint or hire a qualified person after a vacancy. The qualified person must live within 15 miles of City limits within one year of employment and should be a graduate of a qualified police academy.

§ C-66B. City Clerk.

There shall be a City Clerk appointed by the City Manager with the approval of the Council. The City Clerk shall serve at the pleasure of the City Manager. The City Clerk's compensation shall be determined by the Council.

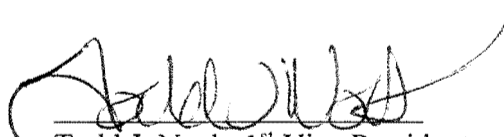
§ C-91 Procedure.

H. All special assessments shall be billed and collected by the **[City Clerk]** *Finance Director.*

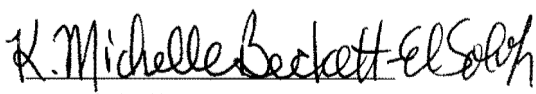
Section 2. In accordance with Md. Code, Local Gov't Art. § 4-304, the City will post notice and advertise the adoption of this resolution. The amendment will be effective on the 50th day after the resolution is adopted.

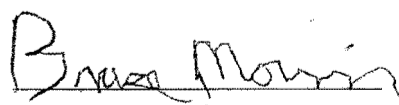
May 20, 2019
Date Introduced

June 3, 2019
Date Passed


Todd J. Nock, 1st Vice President

APPROVED BY ME THIS 28th
DAY OF June 2019


K. Michelle Beckett-El Soloh
City Clerk


Bruce A. Morrison
Mayor