

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND
CHARTER AMENDMENT RESOLUTION NO. CA-22-03

Introduced by: City Council
Date Introduced: October 4, 2021
First Reading: October 4, 2021
Second Reading:
Date Adopted: October 4, 2021
Date Effective: November 23, 2021

RE-ENACTMENT OF CHARTER AMENDMENT RESOLUTION CA-21-06 OF THE CITY COUNCIL OF SEAT PLEASANT APPROVED BY THE CITY COUNCIL ON DECEMBER 7, 2020. A CHARTER AMENDMENT RESOLUTION OF THE 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 Charter of the City of Seat Pleasant (as published in Municipal Charters of Maryland, Vol. 10 (2020 Replacement Edition and October 2020 Supplement) for purpose of amending certain sections of the City Charter and providing that the title of this Charter Amendment Resolution shall be deemed a fair summary;

RECITALS

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

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Council may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in Title 4, Subtitle 3 of the Local Government Article, is adopted in the same manner as other resolutions in the City by a majority of

**CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER**

all the individuals elected to the Council, as the legislative body of the City, and the same shall be subject to the right of referendum; and

WHEREAS, the Council has determined that the Charter amendments set forth herein are necessary for a more effective and efficient means of government; and

WHEREAS, the 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 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. 10 (2020 Replacement Edition and October 2020 Supplement) be, and the same is hereby, amended as follows:

SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the following changes are made to § C-305, C-310, C-314, C-403, C-603, C-605, C-612, C-615, C-616, C-701, C-901, C-902, C-904, C-905, and § C-1601 of the Charter:

§ C-305 Vice-Mayor and President Pro Tem

The Council shall elect a President AND COUNCIL PRESIDENT PRO TEM of the Council from among its members. THE COUNCIL PRESIDENT shall act as Vice-Mayor in the absence of the Mayor, AND THE COUNCIL PRESIDENT PRO TEM SHALL ACT AS COUNCIL PRESIDENT. ~~In the event that the designated President shall be absent at any meeting of the Council, any member of the Council may be designated by the Council President Pro Tem for such meeting.~~ The President, when acting as Vice-Mayor, shall have the same powers as those of the Mayor, in the absence of the Mayor, or if the Mayor is unavailable or incapacitated in any way. If the Vice Mayor (Council President), is unavailable, or incapacitated in any way, then the City Council PRESIDENT PRO TEM shall ~~elect another member of the Council to~~ serve in the capacity of Council President or Vice-Mayor.

§ C-310 Forfeiture of Office

The Mayor or a Council person shall forfeit his OR HER office if ~~he~~ HE/SHE (1) lacks at any time during his/her term of office any qualification for the office prescribed by this Charter or by law, (2) violates any express prohibition of this Charter, (3) is convicted of a felony OR MISDEMEANOR, (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council, (5) ENGAGES IN MISCONDUCT IN OFFICE OR (6) IS REMOVED FROM OFFICE THROUGH AN IMPEACHMENT PROCESS BY FIRST HAVING A TRIAL HELD BY THE ELECTED OFFICIALS OR JUDICIARY BOARD COMPRIMISED OF THE GOVERNMENTAL AFFAIRS AND TECHNOLOGY COMMITTEE.

CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER

§ C-314 Advisory Boards and Commission

The Mayor, with Council consent, shall have the power to appoint and dissolve boards and commissions to act in AN advisory capacity to the City Council as required by law or as ~~it~~ THE COUNCIL may deem necessary for the good government of the City. ~~He~~ THE COUNCIL may also establish mandatory fiscal and administrative procedures for such boards.

§ C-401 Qualifications of Mayor

The Mayor must have resided in Seat Pleasant for at least one year immediately preceding his election and shall have been a qualified registered voter of the City for one year. THE MAYOR SHALL MAINTAIN A PERMANENT RESIDENCE IN THE CITY DURING THE TERM OF OFFICE. THE MINIMUM AGE FOR THE MAYOR SHALL BE EIGHTEEN YEARS OF AGE.

§ C-403. Powers and Duties

- (a) The Mayor shall be the ceremonial head of the 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 enforce the Ordinances of the City and perform such other duties which are not inconsistent with this Charter as may be required of the Mayor by the Council.~~ In the event that the Mayor is unable to perform his/her duties, the Council President in his/her capacity as the Vice-Mayor is authorized to ~~execute documents and~~ accept service of legal process on behalf of the City.
- ~~(b) Annual report for general distribution. The Mayor shall prepare or cause to be prepared annually a report in the name of the government of the City of Seat Pleasant. This report shall deal not only with the financial condition of the City, but also with the accomplishments of the various agencies of the City. This report shall be printed for general distribution.~~
- ~~(c) The Mayor shall within sixty (60) days of the occurrence of any vacancy in the position of City Treasurer, City Clerk, Chief of Police, or any department head submit to the City Council the name of at least one qualified person to fill such position. In the event the name of such person is not forwarded to the City Council within the time specified above, the City Council shall fill such vacancy by requiring the Chief Operating Officer to submit one name for such vacancy within thirty days after receiving a written request from the Council President. In any event the confirmation of such person shall be by vote of the majority of Council.~~
- (d) Budget. ~~By April 1 of each year, the Mayor shall prepare a budget and submit it to the Council. He/she shall be responsible for the administration of the budget as adopted by the Council.~~ THE CITY MANAGER SHALL PREPARE AND SUBMIT THE BUDGET TO THE MAYOR AND COUNCIL *by April 1 of each year*, WHO SHALL REVIEW THE BUDGET AND MAKE REVISIONS.

§ C-603 Board of Supervisors of Elections

THE CITY CLERK AND THE ~~There shall be~~ a Board of Supervisors of Elections, consisting of three members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in January following their election. The terms of members of the Board of Supervisors of Election begin on the first Monday in January in the year in which they are appointed and run for four

CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER

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 Mayor with Council consent shall appoint one of its members as chairman PERSON. Vacancies on the Board shall be filled by the Mayor with Council consent for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

§ C-605 Duties

THE CITY CLERK AND The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, and all City elections. The CITY CLERK AND THE Board may appoint election clerks or other employees to assist it in any of its duties.

§ C-612 Conduct of Elections

It is the duty of the CITY CLERK AND THE Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines and/or vote by mail. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind.

§ C-614 Mailing of Absentee Ballots

The CITY CLERK AND THE Board of Supervisors of Elections shall mail absentee ballots to qualified voters, at the request of those voters, not less than twenty days prior to the election. All absentee ballots shall be delivered to City Hall before the day of election.

§ C-615 Special Elections

All special City elections shall be conducted by the Board of Supervisors of Elections WITH THE ASSISTANCE OF THE CITY CLERK in the same manner and with the same personnel, as far as practicable, as regular City elections.

§ C-616 Vote Count

The CITY CLERK AND THE Board of Supervisors of Elections shall begin counting the votes immediately after the polls have closed. All votes shall be counted to include the regular ballot, absentee and vote by mail ballots. Once the actual vote counting begins, no persons shall enter or leave the room in which the vote count is being conducted until completion of the vote count. The Board of Supervisors of Elections shall complete the vote count within twenty-four hours after the polls have closed, shall determine the number of votes cast for each candidate and shall certify this result to the Clerk of the City who shall record the result in the minutes of the Council. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The candidates for election to the vacancies as Councilmembers with the highest number of votes shall be declared elected. The declarations shall be proclaimed by the Chairman of the Board of Supervisors of Election within forty-eight hours after the vote count at a special public meeting. A tie vote shall be decided by special election between the tied candidates.

Article VII

~~CHIEF OPERATING OFFICER~~ CITY MANAGER

§ C-701 ~~Chief Operating Officer~~ CITY MANAGER

- (a) There shall be a full-time ~~Chief Operating Officer~~ CITY MANAGER appointed by majority vote
**CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
 AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER**

of the City Council, who shall report directly to the City Council. The City Council shall fix the compensation of the City ~~administrator~~ MANAGER. ~~with approval of the City Council.~~

(b) ~~The Chief Operating Officer~~ CITY MANAGER shall have those powers and responsibilities as may be provided by the Charter. ~~The Chief Operating Officer~~ CITY MANAGER shall BE THE CHIEF EXECUTIVE OFFICER OF THE CITY AND SEE THAT ITS ORDINANCES ARE FAITHFULLY EXECUTED. THE CITY MANAGER SHALL HAVE THE AUTHORITY TO AND SHALL BE REQUIRED TO:

(1) BE THE HEAD OF THE ADMINISTRATIVE BRANCH OF THE CITY GOVERNMENT;
(2) APPOINT AND REMOVE ALL DEPARTMENT HEADS WITH THE APPROVAL OF THE CITY COUNCIL. IN ACCORDANCE WITH THE RULES AND REGULATIONS OF ANY MERIT SYSTEM ADOPTED BY THE COUNCIL;

(c) ~~The Chief Operating Officer~~ CITY MANAGER shall represent the City in all matters of day-to-day operation. In this connection, he or she shall exercise all operational powers and authority delegated by this charter or the City Council. He or she shall:

(1) Direct and supervise all employees of the City, ~~except the City Clerk, who shall be supervised by the Council, and except as otherwise expressly provided in this Charter.~~

(2) With the ~~Mayor and~~ Chief Financial Officer, prepare an annual budget for submission to the MAYOR AND City Council.

(3) Sign and execute documents on behalf of the City and accept service of legal process.

(4) Report regularly on the business of the City to the City Council; and SUBMIT AN ANNUAL REPORT TO THE CITY COUNCIL ON BEHALF OF THE CITY. THIS REPORT SHALL DEAL NOT ONLY WITH THE FINANCIAL CONDITION OF THE CITY, BUT ALSO WITH THE ACCOMPLISHMENTS OF THE VARIOUS AGENCIES OF THE CITY. THIS REPORT SHALL BE PRINTED FOR GENERAL DISTRIBUTION.

(5) Enforce and implement the duly enacted ordinances of the City Council.

(d) ~~The Chief Operating Officer~~ CITY MANAGER shall report to the City Council on his or her activities and the business of the City not less than once a month and more frequently when circumstances require.

(e) ~~The Chief Operating Officer~~ CITY MANAGER shall recommend to the City Council, Ordinances, Resolutions, and Directives which, if enacted by a majority of the City Council, would enable the ~~Chief Operating Officer~~ CITY MANAGER to perform his or her duties under the City Charter and effectively conduct business for and on behalf of the City of Seat Pleasant.

(f) ~~The Chief Operating Officer~~ CITY MANAGER and ~~Deputy Chief Operating Officer~~ DEPUTY CITY MANAGER may be removed without cause by a majority vote of the entire Council. The Council shall appoint or designate some person to serve as the ~~Deputy Chief Operating Officer~~ DEPUTY CITY MANAGER in THE absence or inability OF THE CITY MANAGER to serve.

CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER

§ C-901 Chief Financial Officer

There shall be a Chief Financial Officer appointed pursuant to § C-403(e) 701 (B) whose compensation shall be determined by the Council. The Chief Financial Officer shall be the financial officer of the City. The financial powers of the City, except as otherwise provided by this Charter, shall be exercised by the Chief Financial Officer under supervision of the ~~Chief Operating Officer~~ CITY MANAGER

C-902 City Clerk

There shall be a City Clerk appointed pursuant to § ~~C-403(e)~~ C-701 (B). The City Clerk shall attend every meeting of the Council and keep such other records and perform such other duties as may be required by this Charter or the Council. The City Clerk shall be supervised by and be under the direction and control of the City ~~Administrator~~ MANAGER and is accountable to the City ~~Administrator~~ MANAGER. Except as otherwise directed by the City Council through the City ~~Administrator~~ MANAGER, or except as required to fulfill a duty or responsibility expressly imposed upon the City Clerk by this Charter, the City Clerk shall work exclusively for the City ~~Administrator~~ MANAGER.

§ C-904 Creation of Departments

The ~~Mayor~~ CITY MANAGER may with Council consent establish, disestablish, or combine City departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies. The departments of the City government established by this Charter are the department of finance, ~~public works~~ ENVIRONMENTAL JUSTICE, police, ECONOMIC DEVELOPMENT ~~public safety~~ public safety, and community services HUMAN RESOURCES, PUBLIC ENGAGEMENT, AND CITY CLERK. The Public Safety Department shall be under the direction and supervision of the Chief of Police who shall be appointed in accordance with § C-403(e) 701(B) of this Charter.

§ C-905 Direction of the ~~City Operating Officer~~ CITY MANAGER

All departments, offices and agencies shall be under the direction and supervision of the ~~Chief~~ CITY MANAGER ~~Operating Officer~~. However, the ~~Chief Operating Officer~~ CITY MANAGER may only with Council consent appoint an officer to assist him or her in administration of said departments, offices, or agencies.

**Article XVI
STATE OF EMERGENCY**

§ C-1601 Declaring an Emergency.

- (a) The Mayor OR THE CITY MANAGER shall have the ability to declare a local state of emergency within the limits of the City of Seat Pleasant. The declarations of emergency can be made prior to, during or after a natural disaster, civil unrest, armed conflict, medical pandemic or epidemic or other biosecurity risk. This action may be taken by the Mayor OR CITY MANAGER (with the assistance of a City Attorney if needed). Such a proclamation must be confirmed by the City Council within three days. Once the local state of emergency is declared, it remains in effect for a period of no more than seven days unless extended by the City Council. Once the local state of emergency is declared, continued, or terminated, it shall be ~~given prompt and general publicity~~ IMMEDIATELY PUBLISHED, and filed promptly ~~accordance~~ with the OFFICE OF THE CITY CLERK’S official records-keeping department.

CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER

- (b) If the Mayor is not available or incapacitated the Vice Mayor ~~or~~ /Council President OR THE COUNCIL PRESIDENT PRO TEM with consent of the City Council shall call an emergency closed door session to discuss and declare an emergency consistent with the emergency preparedness and emergency operating plan and/ or local ordinance. The purpose is to empower local and state governments to respond in emergencies to preserve lives and property and protect public health, safety and to protect the local government.

SECTION 3. BE IT FURTHER RESOLVED BY THE 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 deleted text is enclosed in double parentheses. Language added after the date of introduction is in italicized type and text deleted after the date of introduction is enclosed in bold brackets.

SECTION 4. BE IT FURTHER RESOLVED BY THE 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 Council that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. BE IT FURTHER RESOLVED BY THE 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 I of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

SECTION 6. 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 October 4, 2021, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after passage, or on November 23, 2021, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after passage, or on November 10, 2021 as provided by law. A complete and exact copy of this Resolution shall be posted at City Hall, 6301 Addison Rd., 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 November 23, 2021, 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 October 14th, 2021 and November 4th, 2021.

SECTION 7. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter amendments adopted by this Resolution shall

CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER

become effective, either as herein provided or following a referendum, the City Clerk or the chief executive officer of the City 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 amendments herein: (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 Council or in a referendum; and (4) the effective date of the Charter amendments.

SECTION 8. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby authorized and directed to carry out the provisions of Sections 7 and 8 hereof; and as evidence of compliance herewith, the City Clerk shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided in Section 7 herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendments herein shall have been published as provided in Section 7 herein; and (3) the return receipt of the mailing as provided in Section 8 herein; provided, however, that failure to comply with any of the foregoing shall not invalidate this Resolution.

COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

Monica Higgs

9FB12B70B75C4F8

Monica Higgs, Councilmember

DocuSigned by:

Hope Love

C83C3DB9911C490

Hope Love, Councilmember

DocuSigned by:

Shirika McCarthy

407AF95027EBC4F7

Shirika McCarthy, Councilmember

DocuSigned by:

Kelly Porter

DE2E4E1086FF457

Kelly Porter, Councilmember

DocuSigned by:

Gerald R. Raynor, Sr.

E410AFBBE5D610A

Gerald R. Raynor, Sr., Councilmember

Kizzie Scott, Councilmember

DocuSigned by:

Gloria L. Sistrunk

F57C832C46AD427C

Gloria L. Sistrunk, Councilmember

ATTEST:

DocuSigned by:

Dashaun N. Lanham

88619229C0EA45B

Dashaun N. Lanham, CMC
City Clerk

Approved for Legal Sufficiency:

DocuSigned by:

Jason DeLoach

AFA377C8D146431

Jason DeLoach, Esq.

Date: 10/6/2021

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

CHARTER AMENDMENT RESOLUTION NO. CA-22-03 AMENDMENT OF CHARTER
AMENDMENT RESOLUTION 21-06 TO AMEND THE CITY CHARTER

