

COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND
CHARTER AMENDMENT RESOLUTION NO. CA-21-05

Introduced by: City Council
Date Introduced: October 19, 2020
First Reading: October 19, 2020
Second Reading:
Date Adopted: October 19, 2020
Date Effective: 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. 7 (2008 Replacement Edition and November 2015 Supplement) for purpose of providing that all such officials and department and agency heads shall have the authority to accept legal documents, administer the oath to officials in the absence of the Mayor, or Clerk of Circuit of Courts of Prince George’s County and providing that the title of this Charter Amendment Resolution shall be deemed a fair summary;

RECITALS

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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

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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. 7 (2008 Replacement Edition and November 2015 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-403 and § C-1402 of the Charter:

§ C-305. Vice-Mayor and President Pro Tem

The Council shall elect a President of the Council from among its members who shall act as Vice-Mayor in the absence of the Mayor. 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 only such ceremonial duties as may be assigned to him by the Mayor and shall not exercise any of the power and duties of the Mayor as hereinafter set forth.~~ 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 SHALL ELECT ANOTHER MEMBER OF THE COUNCIL TO SERVE IN THE CAPACITY OF COUNCIL PRESIDENT OR VICE-MAYOR.

§ C-403. Powers and Duties

(a) The Mayor shall be the ceremonial head ((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 enforce ((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 required of the Mayor ((authorized)) by the City Council. IN THE EVENT THAT THE MAYOR IS UNABLE TO PERFORM HIS/HER DUTIES, THE

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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) NO CHANGES
- (c) NO CHANGES
- (d) NO CHANGES

§ C-1402. Taking the Oath

The Mayor and Council shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for Prince George's County or before one of the sworn deputies of the Clerk. IN THE EVENT THAT THE CLERK OF THE CIRCUIT COURT OR ONE OF THE SWORN DEPUTIES OF THE CLERK IS UNAVAILABLE TO SWEAR-IN THE MAYOR AND COUNCIL, THE CITY CLERK, CHIEF OPERATING OFFICER OR CHIEF OF POLICE SHALL ADMINISTER THE OATH TO THE MAYOR AND COUNCIL. All other persons taking and subscribing the oath may do so before the Mayor. IN THE EVENT THE MAYOR IS UNAVAILABLE OR INCAPACITATED THEN THE COUNCIL PRESIDENT OR THE CITY CLERK OR THE CHIEF OPERATING OFFICER OR THE CHIEF OF POLICE SHALL ADMINISTER THE OATH.

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 19th, 2020, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after passage, or on December 7th, 2020, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after passage, or on November 27th, 2020 as provided by

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law. A complete and exact copy of this Resolution shall be posted at City Hall, 6011 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 27th, 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 October 26th, 2020 and November 16th, 2020.

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 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.

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COUNCIL OF THE CITY OF SEAT PLEASANT

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Monica Higgs
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Monica Higgs, Councilmember

DocuSigned by:
Hope Love
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Hope Love, Councilmember

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Shireka McCarthy
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Shireka McCarthy, Councilmember

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Kelly Porter
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Kelly Porter, Councilmember

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Gerald R. Raynor, Sr.
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Gerald R. Raynor, Sr., Councilmember

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Rizzie Scott
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Rizzie Scott, Councilmember

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Gloria L. Sistrunk
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Gloria L. Sistrunk, Councilmember

ATTEST:

DocuSigned by:
Dashaun N. Lanham
88D1923DC9EA45E9
Dashaun N. Lanham, CMC
City Clerk

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.

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