

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

CHARTER AMENDMENT RESOLUTION No. CA-22-01

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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-20-02 OF THE CITY COUNCIL OF SEAT PLEASANT APPROVED BY THE CITY COUNCIL ON MARCH 30, 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. 8, 2020 Replacement Edition and January 2018 Supplement) for the purposes of creating a New section Article XVI of the City Charter titled State of Emergency. Declaring a Local State of Emergency provides local governments with the powers necessary to coordinate and implement plans aimed at protecting people and property during a disaster. For example, A declaration of emergency is necessary to secure mutual disaster aid from Local, State and Federal Agencies. A declaration of emergency also permits a local governing body to promulgate orders and regulations necessary for the protection of life and property, such as imposing a curfew and ordering the demolition of unsafe structures. Furthermore, declaring a local state of emergency ensures that the local government and its officials and employees are immune from liability when exercising their official duties during an emergency. The 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 establish a new section as Article XVI entitled State of Emergency; 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 by adding a new section 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. 8, 2020 Replacement Edition and January 2018 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 XVI (STATE OF EMERGENCY), Section § C-1601 of the Charter:

**ARTICLE XVI
STATE OF EMERGENCY**

Section C-1601. DECLARING AN EMERGENCY

- (A) THE MAYOR 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 (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, AND FILED PROMPTLY IN ACCORDANCE WITH THE CITY'S OFFICIAL RECORDS-KEEPING DEPARTMENT.

- (B) IF THE MAYOR IS NOT AVAILABLE OR INCAPACITATED THE VICE MAYOR OR COUNCIL PRESIDENT 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 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 October 4, 2021, 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 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.

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This Charter Amendment Resolution was introduced at a public meeting of the City Council of the City of Seat Pleasant, held on the 4th day of October, 2021, and having been reviewed and considered for final action, was duly passed and adopted on the 4th day of October, 2021.

CITY COUNCIL OF THE CITY OF SEAT PLEASANT

DocuSigned by:

Monica Higgs

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Monica Higgs, Councilmember

DocuSigned by:

Hope Love

C92C3DB8941C490
Hope Love, Councilmember

DocuSigned by:

Shireka McCarthy

4D0919502EBC4FE
Shireka McCarthy, Councilmember

DocuSigned by:

Kelly Porter

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Kelly Porter, Councilmember

DocuSigned by:

Gerald R. Raynor

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Gerald R. Raynor, Sr., Councilmember

Kizzie Scott, Councilmember

Gloria L. Sistrunk, Councilmember

ATTEST:

DocuSigned by:

Dasraun N. Lanham

88F19229CDEA45B
Dasraun N. Lanham, CMC
City Clerk

Approved for Legal Sufficiency:

DocuSigned by:

Jason DeLoach

AF37768D1E9481
Jason DeLoach, Esq.

Date: 10/5/2021