

COUNCIL OF THE CITY OF SEAT PLEASANT
CHARTER AMENDMENT RESOLUTION NO. CA 07-05

Introduced By **City Council President**
Date Introduced **August 28, 2007**
Amendments Adopted **None**
Date Adopted **August 28, 2007**
Date Effective **October 17, 2007**

A RESOLUTION concerning

CHARTER AMENDMENT – ADOPTION OF NEW CHARTER

FOR the purpose of repealing the Charter of The City of Seat Pleasant and adopting a new Charter for the municipal corporation known as The City of Seat Pleasant to stand in the place of the Charter so repealed; for the purpose of reestablishing and continuing a form of government for the municipal corporation known as The City of Seat Pleasant; providing for the continuation of existing boundaries of the municipal corporation, subject to future alterations; providing for the election and appointment of officials and employees of the municipal corporation, subject to future alterations; specifying the powers, rights and obligations of the municipal corporation and its officials and employees; providing for the borrowing of funds and the creation of debts and other obligations by and on behalf of the municipal corporation for various purposes, and dealing with other taxation and financial matters of the municipal corporation; providing for the continuation of ordinances and resolutions enacted by the Council of The City of Seat Pleasant prior to the adoption of this Charter except under certain circumstances; providing that the adoption of this Charter is not intended to alter ownership, title or control of property in which the municipal corporation had an interest prior to its adoption; providing that the adoption of this Charter does not affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the municipal corporation prior to its adoption and that such liabilities, debts and other obligations shall continue to be fulfilled and satisfied by the municipal corporation; providing that the terms of office and incumbency of existing City officials and the continuity of units of the City government are not affected by the adoption of this Charter; and all such and other matters generally relating to the continued existence and operation of the municipal corporation known as The City of Seat Pleasant.

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EXPLANATORY STATEMENT: The current format of the Charter of The City of Seat Pleasant was adopted in 1976. Since that time the Seat Pleasant City Council adopted, or purported to adopt, various amendments to the Charter; certain amendments were invalidated by judicial action and other amendments may not have been lawfully enacted; and the Charter has been republished from time to time in various iterations. The City's last published supplementation of the Charter is believed to have taken place in 1996 by General Code Publishers Corp., although certain amendments to the Charter were adopted by the City Council since 1996 and not included within any published supplementation of the Charter by the City.

Research has revealed discrepancies between the Charter of The City of Seat Pleasant as so published by General Code Publishers Corp. and subsequently amended by amendments adopted by the City Council, and the Charter of The City of Seat Pleasant as part of the Compilation of Municipal Charters published by the Maryland Department of Legislative Reference and its successor, the Department of Legislative Services. Such discrepancies may be the result of the failure or improper registration of amendments to such Charter with the Department of Legislative Reference or Department of Legislative Services, or errors in the publication of properly registered charter amendments in the Compilation of Municipal Charters.

The Council of The City of Seat Pleasant desires by the adoption of this Resolution to remove any doubt as to what constitutes the valid and lawful Charter of The City of Seat Pleasant. This Resolution intends to repeal the Charter of The City of Seat Pleasant, in whatever form or forms it currently may exist lawfully, and to adopt a new Charter for the City. The new Charter so adopted reflects the Charter of The City of Seat Pleasant as published by the Department of Legislative Services in the 2004 Compilation of Municipal Charters, with a substantive revision regarding the duties and responsibilities of the City Clerk as considered by the Seat Pleasant City Council in Charter Amendment Resolution R-07-01. The new Charter of the City of Seat Pleasant also reflects certain typographical and other non-substantive editorial corrections to the Charter of the City of Seat Pleasant as published by the Department of Legislative Services in the 2004 Compilation of Municipal Charters. Now, therefore,

SECTION I: BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT, that the Charter of The City of Seat Pleasant as, and in whatever form, it now exists, be and the same is hereby repealed, and a new Charter for the municipal corporation known as The City of Seat Pleasant, attached hereto and incorporated herein by reference, is hereby adopted to stand in the place of the Charter so repealed.

SECTION II: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that all ordinances and resolutions enacted by the Council of The City of Seat Pleasant prior to the date upon which the Charter adopted by this Resolution takes effect shall thereafter continue in full force and effect, except to the extent that the authority, either express or implied, for such ordinance or resolution is not granted to The City of Seat Pleasant by the Charter adopted by this Resolution or by other law, and further except to the extent that any such ordinance or resolution may irreconcilably conflict with any provision of the Charter adopted by this Resolution.

SECTION III: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that this Resolution repealing the Charter of The City of Seat Pleasant and adopting a new Charter for the municipal corporation known as The City of Seat Pleasant shall not alter ownership, title or control of any property in which the municipal corporation had an interest prior to the effective date of the Charter adopted by this Resolution; nor shall the adoption of this Resolution adopting a new Charter for the municipal corporation affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the municipal corporation known as The City of Seat Pleasant prior to the effective date of the Charter and all such liabilities, debts and other obligations shall continue to be fulfilled and satisfied by the municipal corporation; nor shall the adoption of this Resolution adopting a new Charter for The City of Seat Pleasant affect the term of office or incumbency of the Mayor, any Council member, or any appointed or elected member of any department, office, board, commission, committee, agency or other unit of the City, and the continuity of every department, office, board, commission, committee, agency, or other unit of the City government is retained, it being the intent of the City Council in the adoption of this Resolution that the affairs of the municipal corporation be continued without interruption and without substantial changes in the form or manner of government under the Charter adopted by this Resolution.

SECTION IV: AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that if any provision of this Resolution or the Charter adopted by this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

SECTION V. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the amendment of the Charter of The City of Seat Pleasant hereby enacted shall become effective on the fiftieth day following its adoption unless a proper petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the City Hall for a period of at least forty (40) days after the adoption of this Resolution, and provided further that a copy of the title of this Resolution shall be published in a newspaper of general circulation in the City of Seat Pleasant, at weekly intervals in each of four successive weeks, the last date of such publication being not later than forty (40) days after the adoption of this Resolution.

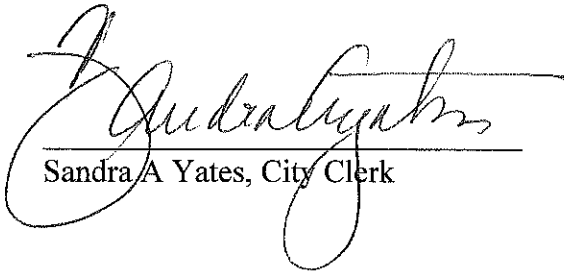
SECTION VI. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk is hereby specifically commanded to carry out the provisions of Section V hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication from the newspaper or newspapers in which the title of the Resolution shall have been published. If a favorable referendum is held on the Charter change the Mayor shall proclaim the Charter change hereby enacted to have been approved by the voters and the charter amendment shall become effective on the date provided by law.

SECTION VII. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF SEAT PLEASANT that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the City Clerk shall send by mail, to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution showing the number of Council members voting for and against it and a report on the votes cast for or against the amendment hereby enacted at any referendum thereon and the date of such referendum.

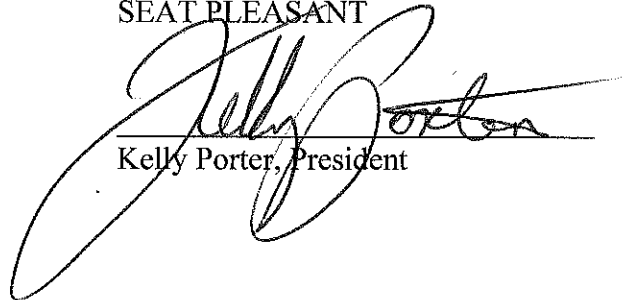
The above Charter Amendment was enacted by the foregoing Resolution which was passed at a Special meeting of the Council of The City of Seat Pleasant on August 28, 2007, 4 members of the City Council voting in the affirmative, 0 members of the City Council voting in the negative, 0 members of the City Council abstaining and 3 members of the City Council absent, and the said Resolution becomes effective in accordance with law on the 17th day of October, 2007.

ADOPTED this 28th day of August, 2007.

ATTEST:


Sandra A Yates, City Clerk

COUNCIL OF THE CITY OF
SEAT PLEASANT


Kelly Porter, President