

**THE COMMISSIONERS OF
THE TOWN OF COTTAGE CITY
CHARTER AMENDMENT RESOLUTION NUMBER 2023-01**

A CHARTER AMENDMENT RESOLUTION OF THE COTTAGE CITY COMMISSION TO AMEND VARIOUS SECTIONS OF THE TOWN CHARTER TO CHANGE THE TITLE OF CHAIRMAN TO EITHER COMMISSIONER-CHAIR, VICE-CHAIR OR CHAIR; AND GENERALLY RELATING TO THE GENDER-NEUTRAL TITLES OF THE PRESIDING OFFICERS NAMED IN THE CHARTER OF THE TOWN OF COTTAGE CITY AND OTHER STYLISTIC CHANGES OR UPDATES

INTRODUCED BY: Commissioner-Chair Wheatley

WHEREAS, pursuant to Section 6 of the Charter of the Town of Cottage City (the “Charter”), the corporate powers of the Town shall be vested in, and shall be exercised by, and said Town shall be governed by, a commission to be known as the Cottage City Commission; and

WHEREAS, to initiate a charter change pursuant § 4-304 of the LG Article of the Maryland Code, the elected governing body of a municipality must typically first pass a resolution to effect a charter change and must post an exact copy of the charter amendment resolution at the town hall or some other public place for at least 40 days after passage of the resolution, and the law further requires the municipality to publish a “fair summary” of the proposed amendment not less than four times at weekly intervals in a newspaper of general circulation in the community, and unless an approved charter amendment is petitioned to referendum, an amendment becomes effective 50 days after a municipal governing body passes a charter amendment resolution; and

WHEREAS, the General Assembly of Maryland passed HB 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

WHEREAS, pursuant to Section 6 of the Town Charter, the corporate powers of the Town shall be vested in, and shall be exercised by, and said Town shall be governed by, a commission to be known as the Cottage City Commission, and said commission shall be composed of five members, one from each ward, and one to be elected as commissioner at large, to be known as commissioners, and ...they shall hold office for a term of two (2) years or until their successors take office; and

WHEREAS, the Cottage City Commission finds that the title of Chairman is antiquated and should be changed to a Chair or Commissioner-Chair throughout the Town Charter; and

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COTTAGE CITY COMMISSION on this 11th day of January 2023 that the Charter of the Town of Cottage City, Maryland shall be amended and adopted to read as follows:

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The Commission

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Section 8. Salary of commissioners.

Each Commissioner shall receive an annual salary which shall be equal for all commissioners. The Commissioners may, by ordinance, including a budget ordinance, increase or decrease this annual salary and a supplemental salary for the ~~[[chairman]]~~ CHAIR, provided the increase or decrease for each position shall not be effective until an election has occurred for such position on the Commission. Notwithstanding anything herein to the contrary, in addition to the annual salary provided herein for a commissioner, the chair may receive additional compensation of up to two thousand dollars (\$2,000.00), to supplement the chair's annual salary effective after the 2023 town elections.

Section 9. Meetings of commission.

The commission shall meet at 7:00 P.M. on the second Wednesday of every month. The May meeting shall be for the purpose of the organization as well as for the conduct of regular business. Special or executive meetings shall be called by the ~~[[clerk-treasurer]]~~ TOWN MANAGER upon the request of the ~~[[chairman]]~~ commissioner-CHAIR or of a majority of the members of the commission. All meetings of the commission shall be open to the public, except that meetings may be closed according to the standards set forth in the laws of the State of Maryland. The rules of the commission shall provide that residents of the town shall have a reasonable opportunity to be heard at the regular monthly meeting in regard to any municipal question.

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Section 11. ~~[[Chairman and vice-chairman]]~~ CHAIR AND VICE-CHAIR of commission.

The commission shall elect a ~~[[chairman]]~~ CHAIR, a ~~[[vice-chairman]]~~ VICE-CHAIR, and a secretary of the commission from among its members. The ~~[[vice-chairman]]~~ VICE-CHAIR shall act as ~~[[chairman]]~~ CHAIR in the absence of the ~~[[chairman]]~~ CHAIR. The secretary-commissioner shall have charge of the town seal and all property, records, books, papers and other things of said town. Said secretary commissioner shall, within the limits of said town, have the same power and authority to administer oaths (including oaths of office of the commissioners, town treasurer, members of the board of election supervisors, and other town officers) as is possessed by a justice of the peace and a notary public. Any person who swears falsely before said secretary commissioner shall be guilty of the crime of perjury and shall be subject to the penalties provided by the laws of the State of Maryland.

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Registration, Nominations and Elections

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Section 22. Board of election supervisors.

There shall be a board of election supervisors, consisting of five members, one from each ward and one ex officio. The ~~[[town-clerk]]~~ TOWN MANAGER shall be the ex officio member and the other four shall be appointed by the commission on or before the first Monday in March of every year. The terms of members of the board of election supervisors begin on the first Monday in March in the year in which they are appointed and run for one year. Members of the board of election supervisors shall be qualified voters of the town 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]]~~ CHAIR. Vacancies on the board shall be filled by the commission for the remainder of the unexpired term. The members of the board, except the ~~[[town-clerk]]~~ TOWN MANAGER, shall receive such compensation as the commissioners shall pass by resolution or ordinance.

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Finance

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Section 44. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by the ~~[[clerk-treasurer]]~~ TOWN MANAGER and shall be countersigned by the ~~[[chairman]]~~ CHAIR commissioner and the secretary commissioner, except that if either of those two commissioners is unavailable any other commissioner can counter-sign.

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General Provisions

Section 79. Oath of office.

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(b) Before whom taken and subscribed. – The commission shall take and subscribe to this oath or affirmation before the clerk of the circuit court for the county or before one of the sworn deputies of the clerk, or before the retiring ~~[[chairman]]~~ CHAIR commissioner or before any person authorized by law to administer oaths in said county. All other persons taking and subscribing to the oath shall do so before the ~~[[chairman]]~~ CHAIR commissioner.

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Section 2. BE IT FURTHER RESOLVED that, unless a proclamation, notice or resolution issued subsequently states otherwise, this Charter Amendment Resolution is adopted on the aforementioned date, and that upon a hearing and adoption by the Cottage City Commission, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, unless a proclamation, notice or resolution states otherwise, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in the Town of Cottage City not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution, and the Clerk to the Commission shall further endeavor, as much as practical, to publish a summary or a complete copy of this resolution by as many methods of communication as are reasonably possible of the following: posting on the Town's website, newsletter, the Cable TV channel, or any appropriate list serve.

Section 3. BE IT FURTHER RESOLVED that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Town of Cottage City, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Cottage City Commission or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 4. BE IT FURTHER RESOLVED that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Cottage City Commission or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 5. BE IT FURTHER RESOLVED that the Town Clerk-Treasurer/Town Manager of the Town of Cottage City is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk-Treasurer/Town Manager shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Commission Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

Section 6. BE IT FURTHER RESOLVED that the Commissioner-Chair shall be authorized to sign this Charter Amendment Resolution on behalf of the Cottage City Commission.

PASSED by the Cottage City Commission at a regular meeting held on the 11 day of January 2023.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND

CAPITALS :Indicate matter added to existing law Page 4 of 5
[[Stricken Double Brackets]] :Indicate matter deleted from existing law
Asterisks * * * :Indicate that text is retained from existing law but omitted herein.

Carol Richardson
Carol Richardson, Town Manager

Wanda Wheatley
Wanda Wheatley, Commissioner-Chair

CERTIFICATE OF EFFECT

I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE COTTAGE CITY COMMISSION DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 2023-01 WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE COMMISSION AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR 4 SUCCESSIVE WEEK(S), IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND.

ATTEST:

Carol Richardson
Carol Richardson, Town Manager
The Town of Cottage City, Maryland

CHARTER AMENDMENT RES. ("CAR") SCHEDULE

DATE OF INTRODUCTION:	01/11/2023
DATE PASSED/POSTED	<u>1/11/2023</u>
POSTING END DATE	<u>3/2/2023</u>
FAIR SUMMARY NEWSPAPER PUBLICATION DATES (NMT X4)	<u>2/9/2023</u> <u>2/16/2023</u> <u>2/24/2023</u> <u>3/2/2023</u>
EFFECTIVE DATE:	<u>03/02/2023</u>

CAPITALS

~~[[Stricken Double Brackets]]~~

Asterisks * * *

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