

CITY COUNCIL OF POCOMOKE CITY

RESOLUTION NO. 576

A resolution amending sections 19, 21, 22, 23, 66, 66A and 66B of the Pocomoke City Charter

RECITALS

- A. The Pocomoke City Council has determined that the Pocomoke City Charter should be amended to clarify and modify the powers, duties, and rights of the City Manager; and
- B. The desire to amend the powers, duties and rights of the City Manager has been a topic of considerable discussion among the Council for some time; and
- C. The Annotated Code of Maryland authorizes the Council to amend its Charter through a resolution and appropriate notice to the public.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Pocomoke City, that:

Section 1. In accordance with Md. Code, Local Government Article §4-301 et. seq., the City hereby amends the Pocomoke City Charter as follows, with any words or punctuation bearing the strikethrough mark being removed from the Charter and any words or punctuation in capital and bold being added to the Charter, upon successful passage in accordance with Maryland law:

§ C-19 Appointment of City Manager

The Council shall appoint an officer of the City who shall have the title of City Manager and shall have the powers and perform the duties as provided in this Charter. Neither the Mayor nor any member of the Council shall receive such appointment during the elected term of office for which ~~he~~ **THE INDIVIDUAL** shall have been elected, nor within ~~one~~ **THREE** year**S** after the expiration of the term of office.

§ C-21 Salary of Manager

The City Manager's salary shall be ~~assessed annually during the fiscal year budget review and increased or decreased by the approval of the Council.~~ **SET BY THE COUNCIL.**

§ C-22 Removal OR SUSPENSION of Manager

~~The Council shall appoint the City Manager for an indefinite term and may remove the City Manager by a majority vote of its members. At least thirty days before such removal shall become effective, the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reason for his removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after filing of such a request. After such public hearing, if one be requested, and after full consideration, the Council, by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution the Council may suspend the Manager from duty, but shall in any case cause to be paid any unpaid balance of the salary and the salary for the next two calendar months following adoption of the preliminary resolution.~~ **CAN REMOVE OR SUSPEND THE CITY MANAGER BY A MAJORITY VOTE OF THE COUNCIL.**

§ C-23 Powers and Duties

A. The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City and, to that end, subject to the personnel provisions of this Charter. **The City Manager AND THE RESPECTIVE DEPARTMENT HEAD shall JOINTLY have THE power and shall be required to appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the City except as otherwise provided by this Charter. THE CITY MANAGER SHALL NOTIFY THE MAYOR AND COUNCIL IN WRITING OF THE APPOINTMENT, SUSPENSION OR REMOVAL OF ALL CITY EMPLOYEES WITHIN 72 HOURS OF THE APPOINTMENT, SUSPENSION OR REMOVAL.** ~~and except as the City Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office. All new hires for the positions of City Clerk, Deputy Clerk, Finance Director, Water Department Billing, Cashier, Accounts Payable, and~~ **THE CITY MANAGER CAN RECOMMEND THE APPOINTMENT, SUSPENSION OR REMOVAL OF all other department heads TO THE COUNCIL, BUT THE COUNCIL must be approved by THE RECOMMENDATION by A MAJORITY VOTE Council.**

B. The City Manager shall attend all Council meetings, **UNLESS EXCUSED BY THE FIRST VICE PRESIDENT**, and shall arrange for minutes of all Council meetings to be recorded.

C. The City Manager shall have complete supervision over the financial administration of the City government. The City Manager shall prepare or have prepared annually a budget and submit it to the Council. The City Manager shall supervise the administration of the budget as adopted by the Council. The City Manager shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

D. The Manager shall perform such other duties as may be prescribed by this Charter or required by the Council, not inconsistent with this Charter.

§ C-66 City Attorney

The City Manager **SHALL RECOMMEND TO COUNCIL AND with UPON A MAJORITY VOTE** ~~the approval of the Council shall appoint OR TERMINATE~~ a City Attorney. The City Attorney shall be a member of the Bar of the ~~Maryland Court of Appeals~~ **SUPREME COURT OF MARYLAND**. The City Attorney shall be the legal advisor of the City and shall perform such duties in connection as may be required by the Council or City Manager. The City Attorney's compensation shall be determined by the City Manager, with approval by the Council. The City shall have the power to employ such legal consultants as it deems necessary from time to time.

§ C-66A Chief of Police

The City Manager **SHALL RECOMMEND TO COUNCIL AND with UPON A MAJORITY VOTE** ~~the approval of the Mayor and Council shall appoint OR TERMINATE~~ a qualified person to be Chief of Police ~~who shall hold office until his/her successor has been qualified, unless sooner removed by the City Manager. The City Manager has one year to appoint or hire a qualified person after a vacancy.~~ The qualified person must live within 15 miles of City limits within one year of employment and should be a graduate of a qualified police academy.

§ C-66B City Clerk

~~There shall be a City Clerk appointed by t~~ The City Manager **SHALL RECOMMEND TO COUNCIL AND with UPON A MAJORITY VOTE** ~~the approval of the Council~~ **SHALL APPOINT OR TERMINATE A CITY CLERK.** ~~The City Clerk shall serve at the pleasure of the City Manager.~~ The City Clerk's compensation shall be determined by the Council.

Section 2. In accordance with Md. Code, Local Government Article §4-304, the City will post notice and advertise the adoption of this resolution. The amendment will be effective on the 50th day after the resolution is adopted.

Date Introduced

Date Passed

Council First Vice President

City Clerk