

CHARTER AMENDMENT RESOLUTION NO. 2021-001

A Charter Amendment Resolution of the Town of Chesapeake City, Maryland for the purposes of amending the Charter of the Town of Chesapeake City to remove the requirement that the Town publish a fair summary of an adopted ordinance in a newspaper of general circulation, unless specifically required by State Law, and adding other methods of publication.

WHEREAS, the Charter of the Town of Chesapeake City, Maryland (“the Town”) provides in Section 26-12 that a fair summary of any ordinance adopted by the Town Council must be published at least once in a newspaper or newspapers having general circulation; and

WHEREAS, the Town Council believes that the requirement of newspaper publication is obsolete and unduly expensive and that other forms of communication are better suited to providing actual notice of Council actions to members of the general public, while also being less expensive; and

WHEREAS, the Town Council wishes to amend the Town Charter to remove the requirement of publication of fair summaries of adopted ordinances in a newspaper of general circulation in the Town, unless otherwise required by law, and replace it with alternative methods of publication.

Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHESAPEAKE CITY, MARYLAND on this ___ day of January 2021, that pursuant to the authority of Article XI-E, § 4 of the Constitution of the State of Maryland and Md. Code Ann., Local Gov’t Article, §§ 4-301 through 4-314, Section 26-12, “Ordinances- Passage Publication effective date”, of the Charter of the Town of Chesapeake City, Maryland shall be and is hereby amended to read as follows:

Section 26–12 Ordinances—Passage; publication: effective date

(a) No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than FOURTEEN (14) nor more than sixty (60) days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. The above requirement may be suspended by the affirmative votes of four members of the council. (b) Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council. (c) ~~**A summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the municipality.**~~ A FAIR SUMMARY OF EACH ORDINANCE ADOPTED BY THE COUNCIL AND A NOTICE STATING THAT THE ADOPTED ORDINANCE IS AVAILABLE FOR REVIEW ON THE TOWN’S WEBPAGE AND IN THE TOWN HALL SHALL BE POSTED IN THE TOWN HALL AND ON THE TOWN’S WEBPAGE FOR A PERIOD OF AT LEAST THIRTY (30) DAYS. WHERE REQUIRED BY STATE LAW, A FAIR SUMMARY OF EACH ORDINANCE ADOPTED BY THE COUNCIL SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN A MANNER COMPLYING WITH THE REQUIREMENTS OF SUCH LAW.

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Capitals and underlining ABC : Indicates matter to be added

Section 2. **BE IT FURTHER RESOLVED** by the Council of the Town of Chesapeake City that all ordinances and resolutions enacted by the Council of the Town of Chesapeake City 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 any such ordinance or resolution is not granted to the Town of Chesapeake City 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 3. **BE IT FURTHER RESOLVED** by the Council of the Town of Chesapeake City that this Resolution amending the Charter of the Town of Chesapeake City 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 amending the Charter for the municipal corporation affect any liabilities, debts or other obligations entered into or incurred by or on behalf of the Town of Chesapeake City 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 amending the Charter for the Town of Chesapeake City affect the term of office or incumbency of any Town Council or any appointed member of any department, office, board. Commission, committee, agency or other unit of the Town, and the continuity of every department, office, board, commission, committee, agency or other unit of the Town government is retained, it being the intent of the Town 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 amended Charter.

Section 4. **BE IT FURTHER RESOLVED** by the Council of the Town of Chesapeake City 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 provision or any other application of this Resolution or of the Charter that can be given effect without the invalid provision or application, and to this end, all the provisions of this Resolution and of the Charter are declared to be severable.

Section 5. **BE IT FURTHER RESOLVED** by the Council of the Town of Chesapeake City that this Charter Amendment Resolution is adopted this _____ day of January 2021, and that upon adoption by the Council of the Town of Chesapeake City, Maryland a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Municipal Building for a period of at least forty (40) days following the adoption of this resolution and made available for public inspection and a fair summary of this Charter Amendment Resolution shall be published four (4) times at weekly intervals in a newspaper of general circulation within a period of forty (40) days following its adoption.

Section 6. **BE IT FURTHER RESOLVED** that the Amendments initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of the Town of Chesapeake 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 Council of the Town of Chesapeake City,

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Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

Section 7. 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, 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 Council of the Town of Chesapeake City, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

Section 8. BE IT FURTHER RESOLVED that the Town Clerk of the Town of Chesapeake City is instructed to carry out the provisions of Sections 6 and 7 hereof, and as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Town Council Meeting at 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 7, and shall further complete and execute the Certificate of Effect required by State law.

INTRODUCED by the Council of the Town of Chesapeake City, Maryland at a regular meeting on the 14th day of December, 2020.

PASSED by the Council of the Town of Chesapeake City, Maryland at a regular meeting on the ____ day of _____, 2021.

BY AUTHORITY OF THE MAYOR
AND COUNCIL OF THE TOWN OF
CHESAPEAKE CITY, MARYLAND

ATTEST:

Valerie Walls, Town Clerk

Richard L. Taylor, III, Mayor

Ed O’Hara, Councilmember

Randy McLennan, Councilmember

Lee Adams, Councilmember

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Frank Hill, Councilmember

Frank Vari, Councilmember

Approved as to Form:

Thomas N. Yeager, Town Attorney

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