

Introduced: Mr. Herling
1st Reading: September 14, 2009
Passed: September 29, 2009
Posted: September 30, 2009
Effective: November 18, 2009

CHARTER AMENDMENT RESOLUTION NUMBER 2009-3

RESOLUTION NUMBER 1053

A RESOLUTION OF THE CITY OF GREENBELT ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND SECTION 13 OF ARTICLE 23A OF THE ANNOTATED CODE OF MARYLAND, (1957 EDITION AS AMENDED), TITLE, "CORPORATION-MUNICIPAL," SUBTITLE "HOME RULE" TO AMEND THE CHARTER OF THE CITY OF GREENBELT FOUND, IN WHOLE OR IN PART, IN THE COMPILATION OF MUNICIPAL CHARTERS OF MARYLAND (1983 EDITION AS AMENDED), AS PREPARED BY THE DEPARTMENT OF LEGISLATIVE SERVICES PURSUANT TO CHAPTER 77 OF THE ACTS OF THE GENERAL ASSEMBLY OF MARYLAND OF 1983, BY AMENDING SECTION 5, TITLED "MEETINGS"; SECTION 7 TITLED "COUNCIL-RULES; ATTENDANCE; EXPULSION OF MEMBERS"; SECTION 8 TITLED "SAME-QUORUM, PROCEDURE" AND SECTION 9 TITLED "ORDINANCES AND RESOLUTIONS – PROCEDURE FOR ADOPTION; ENACTING CLAUSE" TO ESTABLISH NEW VOTING REQUIREMENTS FOR INSTANCES WHERE MORE THAN A SIMPLE MAJORITY OF COUNCIL IS REQUIRED TO TAKE CERTAIN ACTIONS (CHARTER AMENDMENT RESOLUTION NO. 2009-3)

SECTION I WHEREAS, on August 11, 2009 Charter Amendment Resolution 2009-2 (Resolution 1045) became effective increasing the size of the City Council to seven members effective after the 2009 Election. There are certain instances in the City Charter where more than a simple majority of Council members is required to take a certain action. This is often referred to as a supermajority requirement. Given the increase in the size of the City Council, it is desired to change these voting thresholds so that these supermajority requirements are maintained for these actions. NOW, THEREFORE,

SECTION II BE IT RESOLVED AND ORDAINED by the Council of the City of Greenbelt that the Charter of the City, found, in whole or in part, in the compilation of Municipal Charters of Maryland (1983 edition as amended), as prepared by the Department of Legislative Services pursuant to Chapter 77 of the Acts of the General Assembly of Maryland of 1983, shall be amended to read as follows:

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Sec. 5. Meetings.

At 7:30 p.m. on the first Monday following a regular municipal election, the council shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office, but if any meeting is held before such day and after the election, the newly elected council shall assume the duties of office at such meeting. Thereafter the

council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor, the city manager, or ~~three (3)~~four (4) members of council; or upon motion of the council duly adopted at a regular meeting. Any such notice or motion shall state the subject to be considered at the special meeting and no other subject shall be considered, except by unanimous consent of all members. All meetings of the council shall be open to the public, except that the council shall be closed to the public to consider items of a sensitive nature. Such closed meetings shall be held in accordance with the applicable provisions of the annotated code of the public general laws of Maryland (1984). The rules of the council shall provide that citizens of the city shall have a reasonable opportunity to be heard at any meetings open to the public in regard to any matter considered thereat.

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Sec. 7. Council--Rules; attendance; expulsion of members.

The council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, and may, by vote of not less than ~~four (4)~~six (6) members, expel a member from a meeting for disorderly conduct or the violation of its rules.

Sec. 8. Same--Quorum, procedure.

A majority of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the council shall be necessary to adopt any ordinance, resolution, order or vote; except, that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present; and except that any votes to delete properties from the Greenbelt Forest Preserve shall require at least ~~four (4)~~six (6) votes. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Ordinances and resolutions--Procedure for adoption; enacting clause.

Ordinances and resolutions shall be introduced in the council only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on two (2) separate days, unless the requirements for reading it on two (2) separate days be dispensed with by a vote of not less than ~~four (4)~~six (6) members of council. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each councilman prior to such reading. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. The enacting

clause of all ordinances shall be "Be it ordained by the Council of the City of Greenbelt, Maryland."

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SECTION III BE IT FURTHER RESOLVED that the date of the adoption of this resolution is September 29, 2009, and that the amendment to the Charter of the City, as herein adopted, shall be and become effective on November 18, 2009, unless on or before November 8, 2009, a proper petition for referendum on this resolution shall be filed as permitted by law.

SECTION IV BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at the Greenbelt City Office, 25 Crescent Road, Greenbelt, Maryland, until November 8, 2009 and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Greenbelt not fewer than four (4) times at weekly intervals before November 8, 2009.

SECTION V BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City Manager shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

SECTION VI AND BE IT FURTHER RESOLVED that the City Manager of the City of Greenbelt be and hereby is specifically enjoined and instructed to carry out or cause to be carried out the provisions of Sections IV and V.

Judith F. Davis, Mayor

ATTEST:

Cindy Murray, City Clerk

Key:

Underscoring indicates language added to existing law.

~~Overstriking~~ indicates language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.