

**COUNCIL OF THE CITY OF ABERDEEN**  
**Charter Amendment Resolution No. 17-CR-01**

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**Date Introduced:** March 13, 2017

**Sponsored by:** Councilwoman Sandra Landbeck  
Councilman Timothy Lindecamp  
Councilman Melvin Taylor

**Public Hearing:** March 27, 2017

**Amendments Adopted:**

**Date Adopted:**

**Date Effective:**

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**A CHARTER AMENDMENT RESOLUTION** concerning

**Revisions to City's Structure of Government**

**FOR** the purpose of altering certain provisions of the Aberdeen City Charter to reallocate certain powers, duties and responsibilities of the City's Mayor, City Manager and City Council in order to provide for what is commonly referred to as a Council-Manager form of government; altering certain provisions regarding the appointment and terms of office of the City's Board of Election Supervisors; and generally related to revisions to the City's structure of government.

**BY** repealing and reenacting, with amendments  
§IV. The Mayor  
Section IV.5  
Charter of the City of Aberdeen (as published by General Code Corporation)

**BY** repealing and reenacting, with amendments  
§V. The City Council  
Sections V.5 and V.17  
Charter of the City of Aberdeen (as published by General Code Corporation)

**BY** repealing and reenacting, with amendments  
§VI. Officers, department heads and employees  
Sections VI.2, VI.3, VI.8, VI.12 and VI.13  
Charter of the City of Aberdeen (as published by General Code Corporation)

**BY** repealing and reenacting, with amendments  
§VII. Elections and Board of Elections

1 Section VII.3  
2 Charter of the City of Aberdeen (as published by General Code Corporation)  
3  
4 **BY** repealing and reenacting, with amendments  
5 §VIII. Finance and taxation  
6 Section VIII.3  
7 Charter of the City of Aberdeen (as published by General Code Corporation)

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to Resolution.  
~~Strike-Out~~ indicates matter stricken from Resolution by amendment or  
deleted from the Charter by amendment.  
\* \* \* indicates existing unmodified text omitted from Resolution

8  
9 **SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF**  
10 **ABERDEEN** that §IV. The Mayor, Section IV.5; §V. The City Council, Sections V.5 and V.17;  
11 §VI. Officers, department heads and employees, Sections VI.2, VI.3, VI.8, VI.12 and VI.13;  
12 §VII. Elections and Board of Elections, Section VII.3; and §VIII. Finance and taxation, Section  
13 VIII.3, of the Charter of the City of Aberdeen (as published by General Code Corporation), are  
14 amended to read as follows:

15  
16 **§ IV. The Mayor.**

17  
18 5. The Mayor shall:

- 19  
20 a. Establish the emphasis, direction, and vision of the City in conjunction with the  
21 Council.  
22  
23 b. Plan for the future, welfare, and business interest of the City in conjunction with the  
24 Council.  
25  
26 c. ((Prepare and present the annual budget for approval by the Council, in keeping with  
27 the emphasis, direction, and vision established with the Council.  
28  
29 d. Be the chief executive of the City and shall assure on behalf of the Council that the  
30 ordinances of the City are faithfully executed by the City Manager and that the  
31 disbursement of all moneys is in accordance with the budget approved by the  
32 Council. The Mayor may direct the City Manager, as needed, to the day-to-day  
33 priorities of the City)) BE RECOGNIZED AS THE HEAD OF THE CITY  
34 GOVERNMENT FOR ALL CEREMONIAL PURPOSES, BY THE COURTS FOR

SERVING CIVIL PROCESS, AND BY THE GOVERNOR FOR PURPOSE OF  
MILITARY LAW.

((e. Appoint the City Manager and all members of commissions and boards as established  
by this Charter, subject to the approval of the Council.

f. Report annually to the Council the state of the City government and make such  
recommendations as may be proper for the public good and welfare of the City.

g.)) D. Establish an Economic Development Commission, Ethics Commission, a Parks  
and Recreation Board, Board of Appeals, Planning Commission, and such other  
boards and commissions as may be appropriate, subject to the ADVICE AND  
approval of the Council.

((h.)) E. Sign all documents obligating the City to long-term debt and shall sign all  
documents and contracts for which Council approval is required OR FOR WHICH  
SIGNATURE AUTHORITY HAS BEEN DELEGATED TO THE MAYOR.

((i.)) F. Have such other powers and duties as may be prescribed by this Charter or may  
be required by the Council not inconsistent with this Charter.

#### **§ V. The City Council.**

6. The newly elected Council shall meet on the Monday following its election for the purpose of  
organization, after which the Council shall meet regularly at such times as may be prescribed  
by its rules but not less frequently than once each month. Special meetings shall be called by  
the City Manager ((upon the request of)), the Mayor or a majority of the members of the  
Council. Except for such meetings permitted to be closed under the Maryland Open Meetings  
Act, all meetings, regular and special, of the Council shall be public meetings and open to the  
public at all times. No ordinance, resolution, rule or regulation shall be finally adopted except  
at an open meeting. The rules of the Council shall provide that residents of the City and other  
interested parties shall have a reasonable opportunity to be heard at any open public meetings  
with regard to any municipal question.

17. In the case of a vacancy in the office of Council member, that office shall be filled by the  
((Mayor with the approval)) AFFIRMATIVE VOTE of the majority of the remaining  
members of the Council. The results of any such vote for vacancy in the office of City  
Council shall be recorded in the minutes or journal of the Council.

#### **§ VI. Officers, department heads and employees.**

2. City Manager.

a. The ((Mayor, with the approval of the)) Council ((,)) shall appoint a City Manager.  
The City Manager shall be appointed based solely on the merits of his or her academic

background and related work experience. At the time of appointment, the City Manager shall be a full member in good standing of the International City and County Management Association.

b. The City Manager ((, subject to the approval of the Council,)) shall:

i. Be the chief EXECUTIVE AND operating officer of the City and as such is responsible for the daily operations of the City government.

ii. Be responsible to implement the policies of the Council to ensure that the City is operated in an efficient and effective manner.

iii. Supervise all departments, offices and agencies, including the Department of Planning and Community Development, Department of Public Works, Department of Finance, Office of the City Clerk, and Police Department, and appoint and remove department heads.

iv. Establish policies as may be necessary for proper administration.

v. Supervise and coordinate the administrative functions of the several offices, departments, commissions, boards, and agencies.

vi. Supervise the City Treasurer and the financial administration of the City, including preparation of budgets, expenditure of funds, accounting, and procurement.

vii. ((Assist the Mayor in the preparation of the)) PREPARE AND SUBMIT AN annual report to the Council on the state of the City government and ((in the making of)) MAKE such recommendations as may be proper for the public good and welfare of the City.

viii. Be responsible for the care and custody of City property.

ix. Obtain adequate insurance coverage against loss of property and liability from civil suits.

x. Assure that the ordinances of the City are faithfully executed and the disbursement of all moneys is in accordance with the budget as approved by the Council.

xi. Serve as the Personnel Officer and formulate personnel rules and regulations to be approved by the Council.

xii. Award contracts and make purchases in case of accident, disaster, or other circumstances creating a public emergency, provided the City Manager files

promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

xiii. Provide for the investigation of the affairs of the City or any City department and report any deficiencies to the Council.

xiv. Provide for the investigation of all complaints in relation to the administration of City government and in relation to services provided by the public utilities in the City.

xv. Assure the compliance of all franchises, permits, and privileges granted by the City.

xvi. For documents not executed by the Mayor, or documents delegated for execution by the Mayor, be the signatory on behalf of the City on all contracts, agreements and other documents that legally bind the City.

c. The City Manager shall serve at the pleasure of the Council and may be removed by a majority vote of the entire Council for cause. The Mayor ((shall)) OR ANY MEMBER OF THE COUNCIL MAY initiate the proceedings for the City Manager's removal. Unless for reasons of criminal activity by the City Manager, the Mayor OR A COUNCIL MEMBER may not initiate proceedings for removal for 90 days following a municipal election or appointment of a Mayor OR MEMBER OF THE COUNCIL.

3. The City Manager with the approval of the Council shall appoint a City Treasurer who shall be the custodian of the City funds and shall be charged with their care, management and safekeeping. The City Treasurer shall discharge such responsibilities under the general supervision of the City Manager and shall:

a. Prepare at the request of the City Manager an annual budget to be submitted by the ((Mayor)) CITY MANAGER to the Council.

b. Be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.

c. Maintain a general accounting system for the City in such form as the Council may require.

d. Submit a complete financial report at the end of each fiscal year and at such other times as the Council may require.

e. Determine that all taxable property within the City is assessed for taxation.

- f. Collect and receive all taxes, special assessments, license fees, liens and all other revenues due to the City or which the City is responsible for collecting.
- g. Have custody of all public moneys, bonds, and notes belonging to or under the control of the City except as to funds in the control of any set of trustees.
- h. Perform such other tasks in relation to the fiscal or financial affairs of the City as the Council or this Charter may require.

8. The ((Mayor, with the approval of the)) Council((,)) shall appoint a City Attorney. The City Attorney shall be a member of the Bar of the State of Maryland and experienced in governmental law. The City Attorney shall be the legal advisor of the City and shall perform such duties as may be required by the Council. Compensation shall be determined by the Council. The City Attorney shall serve at the pleasure of the Council and may be removed by a vote of the majority of the entire Council. The City has the power to employ such legal assistants and to obtain such legal services as it deems necessary from time to time. The City Manager shall be the primary contact with the City Attorney.

12. Neither the Council nor any of its members shall direct or request the appointment of any person to an office or employment or his or her removal from office or employment by the City Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, the Council shall deal with the administrative service solely through the ((Mayor or)) City Manager, and NEITHER the MAYOR NOR ANY Council MEMBER shall ((not)) give orders to any subordinates of the City Manager, either publicly or privately.

13. In the event of a vacancy in the position of City Manager, the ((Mayor shall assume the responsibilities of the chief operating officer of the City. The Mayor)) COUNCIL ((may)) SHALL appoint a person to serve as chief EXECUTIVE AND operating officer for a temporary basis not to exceed 180 days, and that person shall have all of the responsibilities of the chief EXECUTIVE AND operating officer, except ((for)) THAT the termination of A department ((heads which shall remain the responsibility of the Mayor)) HEAD MUST BE APPROVED BY A VOTE OF THE MAJORITY OF THE ENTIRE COUNCIL during this temporary period.

## **§ VII. Elections and Board of Elections.**

3. There shall be an Aberdeen Board of Elections consisting of three members appointed by the ((Mayor)) COUNCIL for terms of ((two)) FOUR years, ((with the approval of the Council,)) on or before the first Monday in ((January after the effective date of this Charter)) JULY 2017, and on or before the same day every ((second)) FOURTH year thereafter. Beginning with those members of the Board appointed in July, ((2016)) 2017, members of the Board shall hold office for terms of four years. Members of the Board shall be qualified voters of the City at the time of appointment and during their terms of office and shall not hold office or be candidates for elective office during their terms of office. The ((Mayor)) COUNCIL shall appoint one of ((its)) THE BOARD'S members as Chairperson. A vacancy on the

Board shall be filled by the ((Mayor, with the approval of the)) Council, for the remainder of the unexpired term. Compensation of the members of the Board shall be determined by the Council.

**§ VIII. Finance and taxation.**

3. The ((Mayor)) CITY MANAGER, at least 40 days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be left in the office of the Treasurer, open to public inspection during normal business hours.

**SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that the date of adoption of this Resolution is \_\_\_\_\_, 2017, and the amendment of the Charter of the City of Aberdeen hereby enacted shall become effective on \_\_\_\_\_, 2017, 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 Aberdeen City Hall until \_\_\_\_\_, 2017, and provided further that a copy of the title of this Resolution shall be published in The Record, a newspaper of general circulation in the City of Aberdeen, or in any other newspaper of such general circulation, once in each of the weeks beginning \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 2017.

**SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that the City Clerk is hereby specifically commanded to carry out the provisions of Section 2, hereof, and, as evidence of such compliance, the City Clerk shall cause to be maintained appropriate certificates of publication of 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 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** 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 Councilpersons 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 regular meeting of the Council of the City of Aberdeen on \_\_\_\_\_, 2017, \_\_\_\_\_ members of the Council voting in the affirmative, \_\_\_\_\_ members of the Council voting in the negative, \_\_\_\_\_ members of the Council abstaining, and \_\_\_\_\_ members of the Council absent,

1 and the said Resolution becomes effective accordance with the law on the \_\_\_\_\_ day  
2 of \_\_\_\_\_, 2017.

**COUNCIL OF THE CITY OF ABERDEEN**

\_\_\_\_\_  
**Patrick L. McGrady, Mayor**

\_\_\_\_\_  
**Steven E. Goodin, Councilman**

\_\_\_\_\_  
**Sandra J. Landbeck, Councilwoman**

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**Timothy W. Lindecamp, Councilman**

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**Melvin T. Taylor, Councilman**

**ATTEST:**

**SEAL:**

\_\_\_\_\_  
**Monica A. Correll, City Clerk**

**Date** \_\_\_\_\_