

CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, TO REPEAL AND
RE-ENACT CITY OF COLLEGE PARK CHARTER SECTIONS, THEREBY AMENDING
SECTION C2-1 CORPORATE LIMITS, § C3-1 ELECTED CITY OFFICERS, § C3-3 OATH
OF OFFICE, §C3-4 COMPENSATION, § C3-6 VACANCIES, § C3-7 ASSUMPTION OF
DUTIES, § C4-4 OTHER ELECTION OFFICIALS, § C6-1 GENERAL PROVISIONS, § C6-2
QUORUM, § C7-9 REFUSE COLLECTION AND DISPOSAL SERVICE, § C8-2 PASSAGE,
§ C9-2, BONDS, § C9-3 CITY MANAGER, § C10-3 CITY COUNCIL ACTION ON
BUDGET, § C10-4, FORM OF BUDGET APPROPRIATION AND REVENUE
ORDINANCE, § C10-5, AMENDMENTS TO BUDGET AFTER ADOPTION, § C10-8
SUBMISSION OF CAPITAL IMPROVEMENT PROGRAM; CONTENTS, § C11-4, SPECIAL
ASSESSMENTS, § C11-5 SPECIAL TAXING DISTRICTS, § C13-3 ESTABLISHMENT OF
AGENCY, AND § C13-4 INITIATION OF PROJECT, TO CLARIFY THAT THE MAYOR
AND COUNCIL ARE THE LEGISLATIVE BODY OF THE CITY AND THAT THE
LEGISLATIVE POWERS OF THE CITY ARE EXERCISED BY THE MAYOR AND
COUNCIL, TO CLARIFY QUORUM AND VOTING REQUIREMENTS, TO CLARIFY THE
VOTING RIGHTS OF THE MAYOR, AND TO MAKE CONFORMING CHANGES

A Charter Resolution of the Mayor and Council of the City of College Park, Maryland, adopted pursuant to the authority of Article XI-E of the Constitution of Maryland and §4-301 *et seq.*, Local Government Article, Annotated Code of Maryland, as amended.

WHEREAS, the Mayor and Council have determined that it is in the public interest to clarify that the Mayor and Council are the legislative body of the City, that the legislative powers of the City are exercised by the Mayor and Council, and to clarify quorum and voting requirements; and

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article II, “Boundaries and Districts”, §C2-1, “Corporate limits” be repealed, reenacted and amended to read as follows:

Section C2-1 Corporate limits.

§ C2-1 Corporate limits.

A copy of the courses and distances describing the corporate boundaries of the City of College Park, as amended from time to time, shall be maintained in the office of the City Manager. The

CAPS : Indicate matter added to existing law.

[Brackets] : Indicate matter deleted from law.

Asterisks * * * : Indicate matter remaining unchanged in existing law but not set forth in Resolution.

City Manager is hereby directed to MAKE PUBLICLY AVAILABLE AND provide copies of ~~the~~ ANY Annexation Resolution with the new boundaries as required by § 4-414 of the Local Government Article, Annotated Code of Maryland, as amended.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-1, “Elected City officers” be repealed, reenacted and amended to read as follows:

§ C3-1 ~~[Elected City officers]~~ MEMBERSHIP; ELECTION; TERM OF OFFICE.
~~[The government of said]~~ ALL LEGISLATIVE POWERS OF THE City shall be vested in a Mayor and eight district Council members, two from each district of the City, TO BE KNOWN AS THE MAYOR AND COUNCIL. THE MAYOR AND COUNCIL IS THE LEGISLATIVE BODY OF THE CITY. The Mayor shall be elected at large by the voters of the City and the Council members shall be elected by the voters within their respective districts. The candidate for Mayor with the highest number of votes shall be declared elected as Mayor. The two candidates for Council member for each Council district with the highest number of votes shall be declared elected as Council member. At the time of taking office, the Mayor and each member of the Council shall have attained the age of 18 years and must be a citizen of the United States and a current registered voter in the City so registered for at least one year immediately preceding the date of election. ~~[Elected officers]~~ THE MAYOR AND COUNCIL MEMBERS shall continuously reside in the City during their term of office. Each Council member must reside in their respective district and THE MAYOR AND each ~~[elected officer]~~ COUNCIL MEMBER shall retain throughout their respective term of office all the qualifications necessary for election, and the failure to retain all of such qualifications shall ipso facto cause a forfeiture of office.

Section 3. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-3, “Oath of office” be repealed, reenacted and amended to read as follows:

§ C3-3 Oath of office.
 Before entering upon the duties of the office, ~~[each officer]~~ THE MAYOR AND EACH COUNCIL MEMBER shall take an oath to diligently and faithfully discharge all duties of office without favor, partiality or prejudice. Said oath shall be filed among the records of said City. The Clerk of the Circuit Court or a sworn deputy of the Clerk shall administer the oath of office to the Mayor. The Mayor shall administer the oath of office to Council members.

Section 4. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-4, “Compensation” be repealed, reenacted and amended to read as follows:

§ C3-4 Compensation.

The Mayor shall receive as compensation \$10,500 per year as salary, payable on a monthly basis. Each Council member holding office under this Charter shall receive as compensation \$7,000 per year as salary, payable on a monthly basis. A change to the amount of compensation of the Mayor and Council shall be adopted by ordinance. No change in the amounts of compensation enacted by ordinance may be enacted by the Mayor and [City]Council to be effective during their current term of office.

Section 5. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-6, “Vacancies” be repealed, reenacted and amended to read as follows:

§ C3-6 Vacancies

A. * * * *

B. Election or appointment to fill vacancies.

(1) * * * *

(2) A vacancy shall exist if [~~an elected official~~] THE MAYOR OR ANY COUNCIL MEMBER shall be absent from Council meetings during a consecutive sixty-day period without just cause being shown. The Council shall make the determination in such cases. The Mayor shall, as soon after taking office as may be practicable, appoint from among the membership of the Council a Mayor Pro Tem, subject to the approval of the Council. The Mayor Pro Tem shall preside in the Mayor's absence. In the event of the incapacity of the Mayor, the Mayor Pro Tem shall serve until the next general election or special election and receive the same compensation as that received by the Mayor.

(3) Vacancy in office of Mayor or Council. * * * *

(C) * * * *

Section 6. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article III, “Mayor and Council”, §C3-7, “Assumption of duties” be repealed, reenacted and amended to read as follows:

§ C3-7 Assumption of duties.

The [~~officers~~] MAYOR AND COUNCIL MEMBERS elected under this Charter shall assume the duties of their respective offices at the first regular meeting of the Mayor and Council in the December following election or as soon thereafter as is practicable and, unless removed for cause, shall continue to serve until their successors are duly elected and installed. In the case of special elections, [~~elected officers~~] MAYOR AND COUNCIL MEMBERS shall assume the duties of office at a regular meeting as soon after certification of the results of the special election as is practicable, but no later than during the next calendar month following the election. All officers appointed by the Mayor and Council pursuant to § C3-6, Vacancies, of the Charter shall assume the duties of their offices at the meeting of the Mayor and Council at which they are administered the oath of office and, unless removed for cause, shall continue to serve until their successors are duly elected and installed.

Section 7. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IV, “Voting and Elections”, §C4-4, “Other election officials” be repealed, reenacted and amended to read as follows:

§ C4-4 Other election officials.

Biennially, after PROVIDING PUBLIC NOTICE, [~~due notice given by posting at City Hall, to the official City website, to the City maintained e-mail LISTSERV, and on the City cable channel; and publication in any City newsletter,~~] the Supervisors of Elections shall appoint such election officials as they deem necessary, who shall be compensated by the Mayor and Council, and conduct an election by ballot for the election of [~~these officers provided for in this Charter~~] THE MAYOR AND COUNCIL MEMBERS. The Supervisors of Elections shall prepare ballots containing the names of those persons eligible to become candidates for office and designating the office they seek and, except as otherwise provided herein in this Charter and in Chapter 34 of the Code, conduct elections under this Charter as nearly as practicable as is now, or hereafter may be, provided for in the election of officers for Prince George's County under the general election laws.

Section 8. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article VI, “Meetings”, §C6-1, “General provisions” be repealed, reenacted and amended to read as follows:

§ C6-1 General provisions.

The Mayor and Council shall meet in some convenient place within the City on or before the first regular meeting of the next calendar month following the election and as often thereafter as may be necessary in the discharge of its duties; provided, however, that it shall not meet less than once in every month. In emergency circumstances, when a suitable place is not available in the City, the Mayor and Council may designate a reasonable alternative location. For purposes of this

article, "emergency" shall mean circumstances involving natural or man-made disasters, public health catastrophes, acts of God, or declaration of a state of emergency in the City by a government with jurisdiction. All meetings of the Mayor and Council herein provided for shall be open to the public in accordance with state law. ~~[The Mayor shall vote only in the case of a tie vote.]~~ The Mayor and Council shall pass rules and regulations consistent with the provisions of this Charter for its own government while in session. THE MAYOR SHALL SERVE AS A MEMBER OF THE LEGISLATIVE BODY, SHALL PRESIDE AT ITS MEETINGS, AND, EXCEPT AS OTHERWISE PROVIDED BY LAW, SHALL VOTE ON ALL MATTERS COMING BEFORE THE COUNCIL IN THE CASE OF A TIE VOTE. The Mayor shall ~~[preside at the meeting of the Council and shall]~~ call meetings from time to time as he/she may deem necessary.

Section 9. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article VI, "Meetings", §C6-2, "Quorum and voting requirements" be repealed, reenacted and amended to read as follows:

§ C6-2 Quorum, PRESIDING OFFICER and voting requirements.

A quorum shall be constituted of five COUNCIL members ~~[of the City Council and the presiding officer]~~. THERE SHALL BE A PRESIDING OFFICER. THE MAYOR SHALL SERVE AS THE PRESIDING OFFICER. IF THE MAYOR IS NOT PRESENT, THE MAYOR PRO TEM SHALL SERVE AS THE PRESIDING OFFICER. IF THE MAYOR AND MAYOR PRO TEM ARE NOT PRESENT, THE COUNCIL MEMBERS PRESENT SHALL SELECT A PRESIDING OFFICER. A COUNCIL MEMBER ACTING AS THE PRESIDING OFFICER IN THE ABSENCE OF THE MAYOR MAY ALSO BE COUNTED AS PART OF THE COUNCIL QUORUM AND MAY VOTE AS A COUNCIL MEMBER. THE MAYOR AND COUNCIL SHALL MAKE PROVISION BY ORDINANCE OR RULE FOR QUORUM REQUIREMENTS DURING AN EMERGENCY. An affirmative vote of five ~~[elected officials]~~ COUNCIL MEMBERS shall be required to ~~[amend the charter or]~~ alter an assessment. A ~~[an affirmative vote of six elected officials]~~ TWO THIRDS VOTE OF ALL THE INDIVIDUALS ELECTED TO THE LEGISLATIVE BODY (6) shall be required to SPEND MONEY FOR A PURPOSE DIFFERENT FROM THE PURPOSE FOR WHICH THE MONEY WAS APPROPRIATED, SPEND MONEY NOT APPROPRIATED AT THE TIME OF THE ANNUAL LEVY OR transfer funds between major budget items. A MAJORITY VOTE OF ALL THE INDIVIDUALS ELECTED TO THE LEGISLATIVE BODY (5) SHALL BE REQUIRED TO ADOPT AN AMENDMENT TO THE CITY CHARTER. Unless otherwise required HEREIN OR by OTHER law, all other actions of the ~~[City]~~ Council require a majority vote ~~[of the elected officials]~~ BASED ON THE NUMBER OF COUNCILMEMBERS present at the meeting. UNLESS OTHERWISE REQUIRED HEREIN OR BY OTHER LAW, FOR ALL ACTIONS THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE VOTE. ~~[A Council member acting as the presiding officer in the absence of the Mayor may also be counted as part of the Council quorum and may vote as a Council member. The Mayor and Council shall make provision by ordinance or rule for quorum requirements during an emergency.]~~

Section 10. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article VII, “Powers and Duties of Mayor and Council”, §C7-9, “Refuse collections and disposal service” be repealed, reenacted and amended to read as follows:

§ C7-9 Refuse collection and disposal service.

The [City] MAYOR AND COUNCIL shall have the power to pass such ordinances as may be necessary to provide for the establishment and maintenance of a refuse collection and disposal service. These ordinances shall set forth the rules and regulations that will be applicable to all property from which refuse is collected.

Section 11. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article VIII, “Ordinances”, §C8-2, “Passage” be repealed, reenacted and amended to read as follows:

§ C8-2 Passage.

A. A proposed ordinance may be introduced by any member of the [City] Council at any regular or special meeting of the Council. Prior to formal introduction of the proposed ordinance, the [City] Council may, at the request of any two Council members, schedule an informational meeting to present information to the public as to the proposed measure and to receive responses back from the public, at which meeting a presentation will ordinarily be made by the Mayor and Council or City staff. Such informational meeting shall be advertised in advance in such manner as the Mayor and Council deem advisable under the circumstances. Following the informational meeting, the Council may, in its discretion, recommit the proposed ordinance for discussion to a work session. Upon formal introduction of the proposed ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall provide public notice of the proposed ordinance or a fair summary thereof together with the time and place for a public hearing thereon and for its consideration by the Council. The public hearing shall follow the notice by at least seven days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the MAYOR AND Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall provide notice of its adoption and a fair summary of the ordinance. Except as otherwise provided, every ordinance adopted shall become effective at the expiration of 20 days after its adoption or at any later date specified therein. However, with respect to the limited zoning-type ordinances that may be passed by the Mayor and [City] Council pursuant to the authority of §§ 22-119, 25-301 and 25-303 of the Land Use Article, Annotated Code of Maryland, the provisions of the Annotated Code of Maryland shall control as to the effective date of the proposed ordinance.

B. To meet a public emergency affecting life, health, property, the public peace or the sound operation of the municipal government, the Council may adopt one or more emergency ordinances,

but such ordinances may not levy taxes, grant, renew or extend a franchise or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least six members of the Council shall be required for adoption. After its adoption, public notice of the ordinance shall be given as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

Section 12. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IX, “Officers and Employees”, §C9-2, “Bonds” be repealed, reenacted and amended to read as follows:

§ C9-2 Bonds.

All City officers and employees who handle City funds, plus such other personnel as may be designated in resolution by the Mayor and [City] Council, shall be covered by a bond or insurance policy, paid for by the City, to indemnify the City from loss. The face amount of the bond or insurance policy shall be annually determined by the City Manager.

Section 13. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article IX, “Officers and Employees”, §C9-3, “City Manager” be repealed, reenacted and amended to read as follows:

§ C9-3 City Manager.

A. Administration.

(1) Appointment. The Mayor and [City] Council, by a majority vote of its total membership, shall appoint a City Manager who shall serve at the pleasure of the Mayor and [City] Council. The terms and conditions of the City Manager's employment shall be set forth in a written agreement between the Mayor and [City] Council and the City Manager. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City or state at the time of appointment but may reside outside the City while in office only with the approval of THE MAYOR AND Council.

(2) Removal. The City Manager may be removed by a resolution approved by vote of six members of the Mayor and [City] Council. A copy of such resolution shall be served immediately upon the City Manager.

(3) Acting City Manager. The Assistant City Manager shall act as the City Manager in the absence of the City Manager. By letter filed with the City Clerk, the City Manager shall designate a City officer or employee to exercise the powers and perform the duties of the City Manager during the temporary absence or disability of both the City Manager and the Assistant

City Manager. The [City] MAYOR AND Council may revoke such designation at any time and appoint another officer of the City to serve until either the City Manager or the Assistant City Manager returns. The Mayor and [City] Council also reserves the right to appoint an interim City Manager during a time period when the City Manager position is vacant. This person shall also have all of the powers and duties as enumerated in Subsection B.

B. Powers and duties of the City Manager. The City Manager shall be the chief administrative officer of the City, responsible to the Mayor and Council for the administration of all City affairs placed in the Manager's charge by or under the Charter. The City Manager shall have the power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, suspend or remove all City employees and appointive administrative officers of the City, including the Assistant City Manager, except as otherwise provided for by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
- (3) Attend all meetings of the Mayor and Council, unless excused therefrom by the Mayor, and attend, when necessary, all committees of the Mayor and Council.
- (4) See that all laws and ordinances are duly enforced.
- (5) Prepare the budget annually and submit it to the Mayor and Council for approval and be responsible for the administration of the budget after its approval and adoption.
- (6) Recommend to the governing body, at the time the budget is presented, the salaries to be paid City employees.
- (7) Submit to the [City] MAYOR AND Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (8) Keep the Mayor and Council advised of the financial condition and future needs of the City and make such recommendations as the City Manager may deem desirable.
- (9) Make recommendations to the [City] MAYOR AND Council concerning the affairs of the City.
- (10) Provide staff support services for the Mayor and Council members.
- (11) Execute contracts on behalf of the City.
- (12) Exercise those duties set forth in the purchasing procedures section of the City Code.
- (13) Make investigations into the affairs of the City or any department thereof. Investigate all complaints in relation to all matters concerning the administration of the government of the City and in regard to service maintenance by the public utilities in the City and see that franchises, permits and privileges granted by the City are faithfully observed.
- (14) Devote entire time to the discharge of official duties.
- (15) Perform such duties as may be required of him/her by the Mayor and/or the Mayor and Council not inconsistent with any laws or ordinances.
- (16) Be divorced completely from the nomination or election of any public official in the City or Prince George's County and engage in no political activity whatsoever as regards City elections.

Section 14. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article X, “Finance and Taxation”, §C10-3, “Council action on budget” be repealed, reenacted and amended to read as follows:

§ C10-3 MAYOR AND [City] Council action on budget.

A. Notice and hearing.

(1) The City shall by public notice provide the general summary of the proposed budget, the proposed tax rate and the following:

(a) The times and places where copies of the message and budget are available for inspection by the public at least two weeks prior to the date of the hearing; and

(b) The time and place for a public hearing on the proposed budget and proposed tax rate.

(2) The entire proposed budget shall be available on the City website at least two weeks prior to the date of the hearing.

B. Constant yield tax rate. In setting the real property tax rate, the MAYOR AND [City] Council shall conform to the requirements of § 6-308, Constant yield tax rate, of the Tax-Property Article of the Annotated Code of Maryland, as amended from time to time.

C. Amendment before adoption. After the public hearing, the [City] Council may adopt the proposed budget, with or without amendment, without the need of further advertising or public hearings. In amending the proposed budget, it may add or increase programs or amounts and may deplete or decrease any programs or amounts, except expenditures required by law or for required debt service or for an estimated deficit, provided that no amendment to the proposed budget shall increase the authorized expenditures to an amount greater than the total estimated revenues plus a designation (if any) of the unassigned fund balance.

D. Adoption. The [City] Council shall adopt the budget in the form of an ordinance on or before May 31 of the fiscal year currently ending. AN [favorable] AFFIRMATIVE vote of a majority of the total elected membership of the Council (FIVE VOTES) shall be necessary for adoption. If it fails to adopt a budget by this date, the budget proposed by the City Manager shall go into effect.

E. Notification to county of tax rates. Upon adoption, the Finance Director is authorized to notify Prince George's County of the City's tax rate. In the event that the City fails to adopt a budget by May 31, the Finance Director is authorized to notify Prince George's County that the tax rate for the ensuing fiscal year shall be the same rate as proposed by the City Manager.

Section 15. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article X, “Finance and Taxation”, §C10-4, “Form of budget appropriation and revenue ordinance” be repealed, reenacted and amended to read as follows:

§ C10-4 Form of budget appropriation and revenue ordinance.

To implement the adopted budget, the [City] Council shall adopt, on or before May 31 of the fiscal year currently ending, after the public hearing, with or without amendment, and without the need of further advertising or public hearings, an ordinance in the following form:

- A. An appropriation section making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity.
- B. A tax levy section authorizing the property tax levy or levies and setting the tax rate or rates.
- C. Any other section required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

Section 16. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article X, “Finance and Taxation”, §C10-5, “Amendments to budget after adoption” be repealed, reenacted and amended to read as follows:

§ C10-5 Amendments to budget after adoption.

Except as provided in this section, the City may not expend funds not appropriated at the time of the annual levy for that purpose.

A. Supplemental appropriations. If the City Manager certifies in writing that there are available for appropriation revenues in excess of those estimated in the budget for the current or prior fiscal year, the [City] Council, by budget ordinance procedures, may make supplemental appropriations up to the amount of such excess for the fiscal year so certified.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the [City] Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of § C8-2B.

C. Insufficient appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues, fund balances or retained earnings available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the MAYOR AND [City] Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other steps to be taken. The MAYOR AND [City] Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by budget ordinance procedures reduce one or more appropriations.

D. Transfer of appropriations.

(1) The Council may expend funds for a purpose different from the purpose for which they were appropriated. At any time the [City] Council may by ordinance transfer part or all of the unencumbered appropriation from one department, fund or major organizational unit to the appropriation for other departments, funds, or major organizational units for the current or prior fiscal year.

(2) The City Manager may transfer part or all of any unencumbered appropriation balance to another appropriated program or expenditure within a department or organizational unit.

E. * * * *

F. Vote required. [~~A vote of six members of the [City] Council~~] A TWO THIRDS VOTE OF ALL THE INDIVIDUALS ELECTED TO THE LEGISLATIVE BODY (6) shall be required for the authorization of supplemental and emergency appropriations, reduction of appropriations, or transfer of appropriations from one department, fund or major organizational unit to another.

Section 17. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article X, “Finance and Taxation”, §C10-8, “Submission of capital improvement program; contents” be repealed, reenacted and amended to read as follows:

§ C10-8 Submission of capital improvement program; contents.

A. Submission to Mayor and [City] Council. The City Manager shall prepare and submit to the Mayor and [City] Council a proposed five-year capital improvement program no later than the final date for submission of the budget.

B. Contents. The proposed capital improvement program shall include:

- (1) A clear summary of its contents.
- (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each.
- (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure.
- (4) Method of financing, upon which each capital expenditure is to be reliant.
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

C. The above shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 18. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article XI, “Public Ways, Sidewalks and Special Assessments”, §C11-4, “Special assessments” be repealed, reenacted and amended to read as follows:

§ C11-4 Special assessments.

A. * * * *

B. The procedure for special assessments shall be as follows:

(1) The costs of the project being charged for shall be assessed according to the front-foot rule of apportionment or by some other equitable basis to be determined by the Mayor and Council. AN [majority] AFFIRMATIVE vote of the total Council membership (five votes) shall be necessary before any adjustment of the assessable footage for any property may be granted.

(2) – (6) * * * *

Section 19. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article XI, “Public Ways, Sidewalks and Special Assessments”, §C11-5, “Special taxing districts” be repealed, reenacted and amended to read as follows:

§ C11-5 Special Taxing Districts.

A. Establishment; taxes; administration.

(1) * * * *

(2) Contents of ordinance. A special taxing district shall be established by ordinance of the Mayor and [City] Council. The ordinance shall include the following: findings on the special benefits to be conferred upon the property within the proposed district; the establishment of the special taxing district within a described area for a declared purpose; authorization to levy an annual ad valorem tax within the district for the purposes described; a description of the project, systems, facilities, services, programs or activities to be undertaken by or on behalf of the district; the manner of determining and apportioning costs to the districts; authorizing the refund of resources in excess of that required for the operation and maintenance of the district, and providing for an exemption for those property owners who meet and satisfy all requirements and purposes of the district.

(3) * * * *

(4) Administration. The MAYOR AND Council may provide by ordinance or resolution for the administration of special taxing districts, including the authority to issue regulations, to enter into contracts for the provision of materials, facilities and services and to coordinate and share programs and funds within the City of other districts for the benefit of the affected districts.

(5) – (7)* * *

B. Financing public infrastructure.

[~~4~~] Authority and purpose. Pursuant to § 21-401 of the Local Government Article, Annotated Code of Maryland, the City of College Park may, with the consent of at least 2/3 of the owners of real property located within the special taxing district and the owners of 2/3 of the assessed valuation of real property located within the district, establish by ordinance, a special taxing district, levy ad valorem or special taxes and issue bonds and other obligations for the purpose of providing financing, refinancing, or reimbursement for the cost of the design, construction, establishment, extension, alteration or acquisition of adequate storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, streets, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools and other infrastructure improvements as necessary, whether situated within the special taxing district or the municipal corporation or outside of the municipal corporation, if notification is given to the governmental unit having jurisdiction over the infrastructure improvement and if the infrastructure improvement is reasonably related to other infrastructure improvements within the special taxing district, for the development and utilization of the land, each with respect to any defined geographic region within the municipal corporation. The Mayor and [City] Council may implement the authority under this § C11-5B pursuant to the procedures set forth in § 21-401 et seq. of the Local Government Article, Annotated Code of Maryland.

Section 20. BE IT FURTHER RESOLVED by the Mayor and Council of the City of

College Park that Article XIII, “Urban Renewal”, §C13-3, “Establishment of agency” be

repealed, reenacted and amended to read as follows:

§ C13-3 Establishment of agency.

The City may itself exercise all the powers granted by this article or may, if the MAYOR AND Council by ordinance determine[s] such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event that the MAYOR AND Council make[s] such determination, THEY [it] shall proceed by ordinance to establish a public body or agency to undertake in the City the activities authorized by this article. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event that the MAYOR AND Council enact[s] such an ordinance, all of the powers by this article granted to the City shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

- A. The power to pass a resolution to initiate an urban renewal project pursuant to § C13-4 of this article.
- B. The power to issue general obligation bonds pursuant to § C13-9 of this article.
- C. The power to appropriate funds, and to levy taxes and assessments pursuant to § C13-2 of this article.

Section 21. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that Article XIII, “Urban Renewal”, §C13-4, “Initiation of project” be repealed, reenacted and amended to read as follows:

§ C13-4 Initiation of project.

In order to initiate an urban renewal project, the MAYOR AND Council shall adopt a resolution which:

- A. Finds that one or more slum or blighted areas exist in such municipality.
- B. Locates and defines said slum or blighted areas.
- C. Finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of the City.

SECTION 22. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Charter Resolution, the City Clerk shall publish this proposed Charter Resolution or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing is hereby set for _____ p.m. on the _____ day of _____, 2018.

All persons interested shall have an opportunity to be heard.

SECTION 23. BE IT FURTHER RESOLVED that this Charter Resolution is adopted this _____ day of _____, 2018, and that the amendment to the Charter of the City of College Park, hereby proposed by this enactment, shall be and become effective upon the fiftieth (50th) day after its passage by the City unless petitioned to referendum in accordance with §4-304 of the Local Government Article, Annotated Code of Maryland within forty (40) days following its passage. A complete and exact copy of this Charter Resolution shall be posted in the City offices located at 4500 Knox Road, College Park, Maryland for forty (40) days following its passage by the Mayor and Council and a fair summary of the Charter Resolution shall be published in a newspaper having general circulation in the City not less than four (4) times, at weekly intervals, also within the forty (40) day period following its adoption by the City.

SECTION 24. BE IT FURTHER RESOLVED that, within ten (10) days after the Charter Resolution hereby enacted becomes effective, either as herein provided or following referendum, the City Manager for the City of College Park shall send separately, by mail, bearing a postmark from the United States Postal Service, to the Department of Legislative Services, one copy of the following information concerning the Charter Resolution: (i) the complete text of this Resolution; (ii) the date of referendum election, if any, held with respect thereto; (iii) the number of votes cast for and against this Resolution by the Council of the City of College Park or in the referendum; and (iv) the effective date of the Charter Resolution.

SECTION 25. BE IT FURTHER RESOLVED that the City Manager of the City of College Park be, and hereby is, specifically enjoined and instructed to carry out the provisions of Sections 22 and 24 as evidence of compliance herewith; and said City Manager shall cause to be affixed to the minutes of this meeting (i) an appropriate Certificate of Publication of the newspaper in which the fair summary of the Charter Resolution shall have been published; and (ii) shall

further cause to be completed and executed the Municipal Charter or Annexation Resolution Registration Form.

SECTION 26: AND BE IT FURTHER RESOLVED 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 provisions or any other application of this Resolution or of the Charter which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution and of the Charter are hereby declared to be severable.

INTRODUCED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2018.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the _____ day of _____ 2018.

EFFECTIVE the _____ day of _____, 2018.

ATTEST:

CITY OF COLLEGE PARK,

Janeen S. Miller, CMC, City Clerk

By _____
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, City Attorney