CHARTER RESOLUTION
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, AMENDING ARTICLE VI, "MEETINGS", § C6-3, "CLOSED SESSIONS", TO AUTHORIZE THE MAYOR AND COUNCIL TO MEET IN CLOSED SESSION TO DISCUSS CYBERSECURITY UNDER CERTAIN CIRCUMSTANCES

A Charter Resolution of the Mayor and Council of the City of College Park, 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 General Assembly adopted HB 695, which authorizes the City to meet in closed session to discuss cybersecurity under certain circumstances; and

WHEREAS, the Mayor and Council have determined that it is in the public interest to amend Article VI, "Meetings", §C6-3, "Closed sessions", to include cybersecurity as a basis for closing a meeting.

Section 1. NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of College Park that Article VI, "Meetings", §C6-3, "Closed sessions" be repealed, re-enacted and amended to read as follows:

§ C6-3 Closed sessions.
Nothing in this article shall prevent the Mayor and Council from holding a closed session when one or more of the following criteria are met, but no ordinance, resolution, rule or regulation shall be finally adopted at such a closed session. To be held, a closed session shall require a supermajority vote of all Councilpersons present, defined as one more than a simple majority of Councilpersons present. The Council may meet in closed session, or adjourn in open session to a closed session, only to:
A. Discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees,

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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.
CAPS	:Indicate matter added in amendment
[~~Brackets~~]	:Indicate matter deleted in amendment

or officials over whom it has jurisdiction; or to consider any other personnel matter that affects one or more specific individuals;
B. Protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
C. Consider the acquisition of real property for a public purpose and matters directly related to such acquisition;
D. Consider a matter that concerns the proposal for a business or industrial organization to locate in Prince George's County;
E. Consider the investment of public funds;
F. Consider the marketing of public securities;
G. Consult with counsel to obtain legal advice;
H. Consult with staff, consultants, or other individuals about pending or potential litigation;
I. Conduct collective bargaining negotiations or consider matters that relate to the negotiations;
J. Discuss public security if the Council determines that public discussion would constitute a risk to the public or to public security, including:

(1) The deployment of fire and police services and staff; and

(2) The development and implementation of emergency plans;

K. Prepare, administer, or grade a scholastic, licensing, or qualifying examination;
L. Conduct or discuss an investigative proceeding on actual or possible criminal conduct;
M. Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
N. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the Council to participate in the competitive bidding or proposal process.

O. DISCUSS CYBERSECURITY, IF IT IS DETERMINED THAT PUBLIC DISCUSSION WOULD CONSTITUTE A RISK TO:

(1) SECURITY ASSESSMENTS OR DEPLOYMENTS RELATING TO INFORMATION RESOURCES TECHNOLOGY;

(2) NETWORK SECURITY INFORMATION, INCLUDING INFORMATION THAT IS:

A. RELATED TO PASSWORDS, PERSONAL IDENTIFICATION NUMBERS, ACCESS CODES, ENCRYPTION, OR OTHER COMPONENTS OF THE SECURITY SYSTEM OF A GOVERNMENTAL ENTITY;

B. COLLECTED, ASSEMBLED, OR MAINTAINED BY OR FOR

A GOVERNMENTAL ENTITY TO PREVENT, DETECT, OR INVESTIGATE CRIMINAL ACTIVITY; OR

C. RELATED TO AN ASSESSMENT, MADE BY OR FOR A GOVERNMENTAL ENTITY OR MAINTAINED BY A GOVERNMENTAL ENTITY, OF THE VULNERABILITY OF A NETWORK TO CRIMINAL ACTIVITY; OR

(3) DEPLOYMENTS OR IMPLEMENTATION OF SECURITY PERSONNEL, CRITICAL INFRASTRUCTURE, OR SECURITY DEVICES.

Section 2. BE IT FURTHER RESOLVED by the Mayor and Council of the City of College Park that this Charter Resolution was introduced on the **15th** day of **January**, 2019. It is adopted this 12th day of February, 2019, 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 3. 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 4. 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 2 and 3 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 5: 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 **15th** day of **January**, 2019.

ADOPTED by the Mayor and Council of the City of College Park at a regular meeting on the 12th day of February 2019.

EFFECTIVE the 3rd day of April, 2019.

ATTEST:

Janeen S. Miller, CMC, City Clerk

CITY OF COLLEGE PARK,

By _____
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Suellen M. Ferguson, City Attorney