

**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:** May 8, 2017

**Date Adopted:** May 8, 2017

**Date Effective (unless petitioned to referendum):** June 27, 2017

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1 **A CHARTER AMENDMENT RESOLUTION** concerning

2  
3 **Revisions to City’s Structure of Government**

4  
5 **FOR** the purpose of altering certain provisions of the Aberdeen City Charter to reallocate  
6 certain powers, duties and responsibilities of the City’s Mayor, City Manager and City  
7 Council in order to provide for what is commonly referred to as a Council-Manager  
8 form of government; altering certain provisions regarding the appointment and terms of  
9 office of the City’s Board of Election Supervisors; and generally related to revisions to  
10 the City’s structure of government.

11  
12 **BY** repealing and reenacting, with amendments  
13 §IV. The Mayor  
14 Section IV.5  
15 Charter of the City of Aberdeen (as published by General Code Corporation)

16  
17 **BY** repealing and reenacting, with amendments  
18 §V. The City Council  
19 Sections V.5 and V.17  
20 Charter of the City of Aberdeen (as published by General Code Corporation)

21  
22 **BY** repealing and reenacting, with amendments  
23 §VI. Officers, department heads and employees  
24 Sections VI.2, VI.3, VI.8, VI.12 and VI.13  
25 Charter of the City of Aberdeen (as published by General Code Corporation)

26  
27 **BY** repealing and reenacting, with amendments  
28 §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~~ 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~~ ASSURE on behalf of the Council  
30 that the ordinances of the City are faithfully executed by the City Manager and that  
31 the disbursement of all moneys is in accordance with the budget approved by the  
32 Council. The Mayor may ~~direct~~ CONSULT WITH the City Manager, as needed, to  
33 the day-to-day priorities of the City. THE MAYOR SHALL BE RECOGNIZED  
34 AS THE HEAD OF THE CITY 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. ~~DD~~. 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. ~~EE~~. 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. ~~FF~~. 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~~ AT LEAST TWO 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))~~ ADVICE AND 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

1 background and related work experience. At the time of appointment, the City  
2 Manager shall be a full member in good standing of the International City and County  
3 Management Association.  
4

5 b. The City Manager ((, subject to the approval of the Council,)) shall:  
6

7 i. Be the chief EXECUTIVE AND operating officer of the City and as such is  
8 responsible for the daily operations of the City government.  
9

10 ii. Be responsible to implement the policies of the Council to ensure that the City  
11 is operated in an efficient and effective manner.  
12

13 iii. Supervise all departments, offices and agencies, including the Department of  
14 Planning and Community Development, Department of Public Works,  
15 Department of Finance, Office of the City Clerk, and Police Department, and  
16 appoint and remove department heads.  
17

18 iv. Establish policies as may be necessary for proper administration.  
19

20 v. Supervise and coordinate the administrative functions of the several offices,  
21 departments, commissions, boards, and agencies.  
22

23 vi. Supervise the City Treasurer and the financial administration of the City,  
24 including preparation of budgets, expenditure of funds, accounting, and  
25 procurement.  
26

27 vii. ((Assist the Mayor in the preparation of the)) PREPARE AND SUBMIT AN  
28 annual report to the Council on the state of the City government and ((in the  
29 making of)) MAKE such recommendations as may be proper for the public  
30 good and welfare of the City.  
31

32 viii. Be responsible for the care and custody of City property.  
33

34 ix. Obtain adequate insurance coverage against loss of property and liability from  
35 civil suits.  
36

37 x. Assure that the ordinances of the City are faithfully executed and the  
38 disbursement of all moneys is in accordance with the budget as approved by  
39 the Council.  
40

41 xi. Serve as the Personnel Officer and formulate personnel rules and regulations  
42 to be approved by the Council.  
43

44 xii. Award contracts and make purchases in case of accident, disaster, or other  
45 circumstances creating a public emergency, provided the City Manager files  
46

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

4  
5                    xiii. Provide for the investigation of the affairs of the City or any City department  
6                    and report any deficiencies to the Council.

7  
8                    xiv. Provide for the investigation of all complaints in relation to the  
9                    administration of City government and in relation to services provided by the  
10                    public utilities in the City.

11  
12                    xv. Assure the compliance of all franchises, permits, and privileges granted by the  
13                    City.

14  
15                    xvi. For documents not executed by the Mayor, or documents delegated for  
16                    execution by the Mayor, be the signatory on behalf of the City on all  
17                    contracts, agreements and other documents that legally bind the City.

18  
19                    c. The City Manager shall serve at the pleasure of the Council and may be removed by a  
20                    majority vote of the entire Council for cause. The Mayor ((shall)) OR ANY MEMBER  
21                    OF THE COUNCIL MAY initiate the proceedings for the City Manager's removal.  
22                    Unless for reasons of criminal activity by the City Manager, the Mayor OR A  
23                    COUNCIL MEMBER may not initiate proceedings for removal for 90 days following  
24                    a municipal election or appointment of a Mayor OR MEMBER OF THE COUNCIL.

25  
26                    3. The City Manager with the approval of the Council shall appoint a City Treasurer who shall be  
27                    the custodian of the City funds and shall be charged with their care, management and  
28                    safekeeping. The City Treasurer shall discharge such responsibilities under the general  
29                    supervision of the City Manager and shall:

30  
31                    a. Prepare at the request of the City Manager an annual budget to be submitted by the  
32                    ((Mayor)) CITY MANAGER to the Council.

33  
34                    b. Be responsible for the disbursement of all moneys and have control over all  
35                    expenditures to ensure that budget appropriations are not exceeded.

36  
37                    c. Maintain a general accounting system for the City in such form as the Council may  
38                    require.

39  
40                    d. Submit a complete financial report at the end of each fiscal year and at such other  
41                    times as the Council may require.

42  
43                    e. Determine that all taxable property within the City is assessed for taxation.  
44

- 1 f. Collect and receive all taxes, special assessments, license fees, liens and all other  
2 revenues due to the City or which the City is responsible for collecting.
- 3
- 4 g. Have custody of all public moneys, bonds, and notes belonging to or under the  
5 control of the City except as to funds in the control of any set of trustees.
- 6
- 7 h. Perform such other tasks in relation to the fiscal or financial affairs of the City as the  
8 Council or this Charter may require.
- 9

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

18

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

25

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

### 34

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

### 36

37 3. There shall be an Aberdeen Board of Elections consisting of three members appointed by the  
38 ((Mayor)) COUNCIL for terms of ((two)) FOUR years, ((with the approval of the Council,))  
39 on or before the first Monday in ((January after the effective date of this Charter)) JULY  
40 2017, and on or before the same day every ((second)) FOURTH year thereafter. Beginning  
41 with those members of the Board appointed in July, ((2016)) 2017, members of the Board  
42 shall hold office for terms of four years. Members of the Board shall be qualified voters of  
43 the City at the time of appointment and during their terms of office and shall not hold office  
44 or be candidates for elective office during their terms of office. The ((Mayor)) COUNCIL  
45 shall appoint one of ((its)) THE BOARD'S members as Chairperson. A vacancy on the  
46

1 Board shall be filled by the ((Mayor, with the approval of the)) Council, for the remainder of  
2 the unexpired term. Compensation of the members of the Board shall be determined by the  
3 Council.  
4

5 **§ VIII. Finance and taxation.**  
6

7 3. The ((Mayor)) CITY MANAGER, at least 40 days before the beginning of any fiscal year,  
8 shall submit a budget to the Council. The budget shall provide a complete financial plan for  
9 the budget year and shall contain estimates of anticipated revenues and proposed expenditures  
10 for the coming year. The total of the anticipated revenues shall equal or exceed the total of the  
11 proposed expenditures. The budget shall be left in the office of the Treasurer, open to public  
12 inspection during normal business hours.  
13

14 **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
15 **CITY OF ABERDEEN** that the date of adoption of this Resolution is May 8, 2017, and the  
16 amendment of the Charter of the City of Aberdeen hereby enacted shall become effective on  
17 June 27, 2017, unless a proper petition for referendum hereon shall be filed as permitted by law,  
18 provided a complete and exact copy of this Resolution shall be continuously posted on the  
19 bulletin board in Aberdeen City Hall until June 17, 2017, and provided further that a copy of the  
20 title of this Resolution shall be published in The Record, a newspaper of general circulation in  
21 the City of Aberdeen, or in any other newspaper of such general circulation, once in each of the  
22 weeks beginning May 12, May 19, May 26, and June 2, 2017.  
23

24 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
25 **CITY OF ABERDEEN** that the City Clerk is hereby specifically commanded to carry out the  
26 provisions of Section 2, hereof, and, as evidence of such compliance, the City Clerk shall cause  
27 to be maintained appropriate certificates of publication of the newspaper or newspapers in which  
28 the title of the Resolution shall have been published. If a favorable referendum is held on the  
29 Charter change, the Mayor shall proclaim the Charter change hereby enacted to have been  
30 approved by the voters and the charter amendment shall become effective on the date provided  
31 by law.  
32

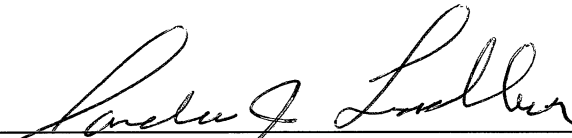
33 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
34 **CITY OF ABERDEEN** that as soon as the Charter Amendment hereby enacted shall become  
35 effective, either as provided herein or following a referendum, the City Clerk shall send by mail  
36 to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution  
37 showing the number of Councilpersons voting for and against it and a report on the votes cast for  
38 or against the amendment hereby enacted at any referendum thereon and the date of such  
39 referendum.  
40

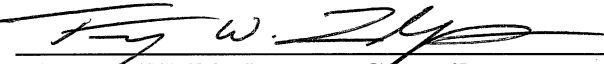
41 The above Charter Amendment was enacted by the foregoing Resolution which was  
42 passed at a regular meeting of the Council of the City of Aberdeen on May 8, 2017, three (3)  
43 members of the Council voting in the affirmative, two (2) members of the Council voting in the  
44 negative, zero (0) members of the Council abstaining, and zero (0) members of the Council  
45 absent, and the said Resolution becomes effective accordance with the law on the 27th day of  
46 June, 2017.

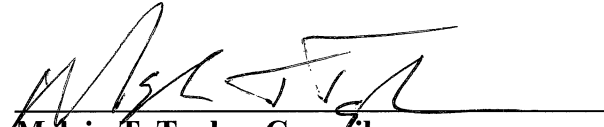
**COUNCIL OF THE CITY OF ABERDEEN**

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

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

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

  
\_\_\_\_\_  
**Timothy W. Lindecamp, Councilman**

  
\_\_\_\_\_  
**Melvin T. Taylor, Councilman**

**ATTEST:**

**SEAL:**

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

**Date** May 8, 2017

