

CHARTER AMENDMENT RESOLUTION CAR-3-12
A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CHEVERLY, MARYLAND,

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), to amend the Charter of the said Town, said Charter being a part of the public local laws of Maryland (1963 Edition, as amended), which Article contains in whole or in part the Charter of the Town of Cheverly, Maryland, whereby the Mayor and Town Council set the percentage of registered voters to petition an ordinance to referendum at 20% and to exclude budgetary and borrowing legislation from the referendum requirement.

WHEREAS, the Mayor and Town Council deem it appropriate to set a reasonable requirement and regulation as to petitioning a matter to referendum; and

WHEREAS, the Mayor and Town Council are cognizant that certain budget matters particularly, but not exclusively, those that set tax rates, have reporting deadlines to the County and the State, and that a referendum petition could delay such reporting, causing severe fiscal damage to the Town; and

WHEREAS, the Mayor and Town Council chose to remove budgeting and borrowing items from the referendum requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Cheverly, Maryland, in regular session assembled:

Section 1: That Section C-16 of the Charter of the Town of Cheverly, Maryland, be repealed and reenacted as follows:

§ C-16. - Ordinances: Effective dates, referenda.

- A. Every ordinance shall become effective at the expiration of thirty (30) calendar days after its passage unless the effective date be extended by the terms of the ordinance to a date no later than sixty (60) days from the date of passage. Notwithstanding the foregoing, when the Mayor and Town Council enact the budget ordinance containing the anticipated revenues and the appropriations and expenditures for the upcoming fiscal year, they may by majority vote shorten the time between the passage and the effective date of the budget ordinance to not less than twenty (20) days. No ordinance shall be effective unless a fair summary of each ordinance shall be published at least once in a newspaper of general circulation in the Town of Cheverly in the period between its passage and the effective date and a complete copy of the ordinance shall be available for public inspection at the office of the Town Clerk during the aforesaid period. It shall be recorded by the Town Clerk, and no money shall be expended by the Treasurer pursuant to any ordinance, resolution or order of the Mayor or Town Council until full and complete entry has been made by the Treasurer in the proper books of record.
- B. If within the time between the date of passage and the effective date of any town ordinance, a petition protesting against said ordinance, signed by not less than [ten (10%)] TWENTY percentum (20%) of the registered voters of the town, shall be filed with the Mayor and Town Council, such ordinance shall be immediately suspended, and the Mayor and Town Council shall reconsider it, and if it be not repealed, the Mayor and Town Council shall submit it to a vote of the duly qualified voters of said town at the next election; provided, however, that if the next election shall occur more than ninety (90) days after the date of passage of said ordinance the Mayor and Town Council shall call a special election for the purpose of deciding whether said ordinance shall or shall not become a law, and the same shall become operative or repealed by the majority of the votes cast in this election.
- C. If a majority of those who vote on any question relating to an ordinance referendum so submitted to the voters of the Town of Cheverly shall cast their votes in favor of the proposed ordinance, amendment, or amendments, the Mayor shall so proclaim publicly within ten (10) days after receiving a certification of the votes from the officials conducting the referendum; and on the thirtieth day following the public proclamation the proposed ordinance, amendment, or amendments shall become a part of the laws of the town, according to its terms, in all respects to be

effective and observed as such. If less than a majority of those who vote on any such question shall cast their votes in favor of the proposed ordinance, amendment or amendments, the Mayor likewise shall so proclaim, adding to his proclamation the statement that the proposed ordinance, amendment or amendments contained in said question are null and of no effect whatsoever

- D. THE REFERENDUM PROCEDURES OUTLINED IN SUBSECTION (B) IMMEDIATELY ABOVE SHALL NOT APPLY TO:**
- 1. ANY BUDGET ORDINANCE SETTING THE TAX RATE FOR THE FISCAL YEAR OR ANY PART OF THE FISCAL YEAR OR**
 - 2. ANY ORDINANCE AUTHORIZING BORROWING FOR A PUBLIC PURPOSE AS OUTLINED IN C-24 OF THIS CHARTER.**

Section 2: That the date of the adoption of this Resolution is October 11,2012, and that the amendment to the Charter of the Town of Cheverly hereby proposed by this enactment, shall be and become effective on November 30, 2012 [50 days], unless a proper petition for a referendum hereon shall be filed by NOvember 20, 2012 [40 days], and a fair summary of the Amendment shall be published in a newspaper having general circulation in the Town not less than four (4) times at weekly intervals by November 20, 2012 [40 days].

Section 3: That as soon as the Charter Amendment hereby enacted becomes effective, either as herein provided or following a referendum, the Clerk shall send separately to the Department of Legislative Services, the following information concerning the Charter Amendment: (1) the complete text of this Resolution; (2) the date of referendum election, if any, held with respect thereto; (3) the number of votes cast for and against this Resolution by the Mayor and Council of the Town of Cheverly or in a referendum; and (4) the effective date of the Charter Amendment.

Section 4: That the Clerk be, and he/she is specifically enjoined and instructed to carry out the provisions of Sections 2 and 3, and as evidence of compliance herewith the said Clerk shall cause to be affixed to the Minutes of this meeting (1) an appropriate certificate of publication of the newspaper in which the fair summary of the Amendment shall have been published; and (2) records of mailing referred to in Section 3, and shall further complete and execute a Certificate of Compliance.

INTRODUCED by the Mayor and Council of the Town of Cheverly, Maryland, at a Regular Meeting on September 9, 2012, at which meeting copies were available to the public for inspection.

ADOPTED by the Mayor and Council of the Town of Cheverly, Maryland, at a Regular Meeting on _____, 2012, at which meeting copies were available to the public for inspection.