

RESOLUTION NO. 2009 - 17

A CHARTER AMENDMENT RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E, § 4 OF THE CONSTITUTION OF THE STATE OF MARYLAND (2002 REPLACEMENT VOLUME AND 2007 SUPPLEMENT) AND SECTION 13 OF ARTICLE 23A, OF THE ANNOTATED CODE OF MARYLAND (2005 REPLACEMENT VOLUME AND 2007 SUPPLEMENT), TO AMEND THE CHARTER OF THE TOWN OF ST. MICHAELS FOR THE PURPOSES OF CONFORMING ARTICLE II, § C-8 "MEETINGS OF COMMISSION" WITH SUBTITLE 5 OF TITLE 10 OF THE STATE GOVERNMENT ARTICLE, (OPEN MEETINGS ACT), OF THE ANNOTATED CODE OF MARYLAND; AND PROVIDING THE PROCEDURES TO BE FOLLOWED FOR THE EFFECTIVENESS OF THE CHARTER AMENDMENT ADOPTED BY THIS RESOLUTION.

WHEREAS, Subtitle 5 of Title 10 of the State Government Article (the "Open Meetings Act") calls for public business to be conducted in open meetings to increase the faith of the public in government; and

WHEREAS, the Open Meetings Act permits exceptions to the requirement for open meetings, although the exceptions are to be strictly construed in favor of open meetings of public bodies; and

WHEREAS, the public bodies of the Town strictly adhere to the provisions of the Open Meetings Act and conduct all meetings in open session unless the Open Meetings Act permits a meeting to be closed when certain procedural safeguards are in place; and

WHEREAS, provisions of the Town Charter provide for the closure of certain meetings but leave the timing, manner, and nature of such closures ambiguous; and

WHEREAS, the Commissioners of the Town of St. Michaels wish to eliminate any ambiguity in the Town Charter about when a public body is authorized to meet in closed session and what procedures must be followed to allow for such closures.

SECTION 1:

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS that, pursuant to the authority of Article XI-E of the Constitution of Maryland (2002 Replacement Volume and 2007 Supplement) and Section 13 of Article 23A of the Annotated Code of Maryland (2005 Replacement Volume and 2007 Supplement), Article II, § C-8 of the Charter of the Town of St. Michaels be, and the same is hereby, amended as follows, with added language shown in *italics* and underlined and with deleted language shown in (parenthesis) and with a ~~strikethrough~~:

§ C-8. Meetings of Commission.

The newly elected Commission shall meet at ~~(7:30)~~ 5:00 p.m. on the second ~~(Tuesday)~~ Wednesday in the month of June following its election for the purpose of organization, after which the Commission shall regularly meet 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 Town Clerk upon request of a majority of the members of the Commission. All (~~regular~~) meetings of the Commission shall be open to the public, *except in appropriate circumstances when meetings may be closed in accordance with Subtitle 5 of Title 10 of the State Government Article, Open Meetings Act, of the Annotated Code of Maryland as amended from time to time.* (~~and the~~) *The* rules of the Commission shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting *open to the public* in regard to any municipal question.

SECTION 2:

BE IT FURTHER RESOLVED BY THE COMMISSIONERS OF THE TOWN OF ST. MICHAELS that to the extent that any Section of the Charter of the Town is in conflict with the provisions of Section 1 of this Resolution, such Section or Sections be and hereby are repealed to the extent of such conflict.

SECTION 3:

AND BE IT FURTHER RESOLVED, that the Town Clerk/Manager shall give notice of the adoption of the aforesaid amendment to the Charter of the Town of St. Michaels by posting this resolution on the bulletin board in the Town Office for a period of at least forty (40) days following the adoption of this resolution, and by publishing a fair summary of said amendment to the Charter in a newspaper of general circulation in the Town not less than four (4) times at weekly intervals within a period of forty (40) days after the adoption of this Resolution.

SECTION 4:

AND BE IT FURTHER RESOLVED that the date of the passage of this Resolution is the 26th day of August, 2009, and that this Charter Amendment, as hereby adopted by the Commissioners of St. Michaels, shall become, and be considered, a part of the Charter of the Town of St. Michaels in all respects on the 6th day of October, 2009, unless on or before the 40th day following its passage (the 5th day of October, 2009), there shall be presented to the Commissioners of St. Michaels by registered mail, a Petition signed by twenty percent (20%) or more of the qualified voters of the Town, requesting that the proposed Charter Amendment be submitted on referendum to the voters of the Town, with each person signing any such Petition indicating thereon both his name and his residence address, and otherwise meeting the requirements of Maryland Code (1957, as amended, Article 23A, Section 13; and in the event of the proper and timely presentation of such a Petition, a time for submitting the proposed Charter Amendment on referendum to the voters of the Town shall be specified by The Commissioners of St. Michaels.

INTRODUCED, at the public meeting of the Commissioners of St. Michaels on the 22nd day of July, 2009, at 6:30 o'clock p.m. in the meeting Room of the Town Office, 300 Mill Street, St. Michaels, Maryland.

HAVING BEEN PASSED, by a yea and nay vote of the Commissioners of St. Michaels at the public meeting of The Commissioners of St. Michaels on the 26th day of August, 2009, at 6:30 o'clock p.m. in the meeting room of the St. Michaels Free Library, 106 S. Fremont Street, St. Michaels, Maryland.

Resolution 2009-17
Adopted 08/26/09

Brady	-	<u>yea</u>
Clark	-	<u>yea</u>
Dinkel	-	<u>yea by absentee ballot</u>
Hunt	-	<u>yea</u>
Snyder	-	<u>yea</u>

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on the 26th day of August, 2009.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Cheril S. Thomas, Town Clerk/Manager

By:  (SEAL)
Michael W. Brady, President

I HEREBY CERTIFY that an exact copy of the above Resolution was posted from the 27th day of August, 2009, at 8:30 o'clock a.m., to the 5th day of October, 2009, at 4:30 o'clock p.m., on the bulletin board of the Town Office, 300 Mill Street, St. Michaels, Maryland; and that a fair summary of the aforesaid Resolution, including the date of its passage and its effective date of the Charter Amendment therein contained, and the fact that the proposed Charter Amendment may be submitted on referendum to the voters of the Town by filing a Petition containing the signatures, names and addresses of twenty (20%) or more of the qualified voters of the Town, has been published at least once each week for four (4) consecutive weeks following the passage of said Resolution within forty (40) days of the passage thereof, in a newspaper having general circulation in the Town.

By: _____ (SEAL)
Cheril S. Thomas, Town Clerk/Manager