

**RESOLUTION FOR AN AMENDMENT
TO THE CHARTER OF THE
CITY OF CAMBRIDGE, MARYLAND**

CHARTER RESOLUTION NO. CR-2020-01

A RESOLUTION OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND PASSED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE CONSTITUTION OF MARYLAND AND §§ 4-302(1) AND 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE MARYLAND ANNOTATED CODE TO AMEND §§ 3-20 AND 3-26 THE CHARTER OF THE CITY OF CAMBRIDGE FOR THE PURPOSES OF PROVIDING THAT PROVIDING THAT THE MAYOR AND THE COMMISSIONERS OF CAMBRIDGE SHALL EACH RECEIVE COMPENSATION IN THE FORM OF AN ANNUAL SALARY AND MAY RECEIVE ADDITIONAL COMPENSATION AS SET FORTH FROM TIME TO TIME BY ORDINANCE; PROVIDED, HOWEVER, THAT NO CHANGE SHALL BE MADE IN THE COMPENSATION FOR THE MAYOR OR THE COMMISSIONERS OF CAMBRIDGE DURING THE TERM FOR WHICH THEY WERE ELECTED, AND FURTHER PROVIDED THAT ANY ORDINANCE MAKING ANY CHANGE IN THE COMPENSATION FOR THE MAYOR AND/OR THE COMMISSIONERS OF CAMBRIDGE SHALL BE PASSED PRIOR TO THE MUNICIPAL ELECTION TO ELECT THE NEXT SUCCEEDING MAYOR AND COMMISSIONERS OF CAMBRIDGE AND SHALL ONLY TAKE EFFECT AS TO THE NEXT SUCCEEDING MAYOR AND COMMISSIONERS OF CAMBRIDGE; PROVIDING THAT THE TITLE OF THIS CHARTER AMENDMENT RESOLUTION SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO THE COMPENSATION FOR ELECTED OFFICIALS IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Article XI-E, § 3 of the Constitution of Maryland, the Commissioners of Cambridge, as the legislative body of the City of Cambridge, Maryland (the "City"), are authorized and empowered to amend the Charter of the City of Cambridge (the "Charter"); and

WHEREAS, pursuant to Article XI-E, § 4 of the Constitution of Maryland, an amendment to the Charter shall be proposed either by a resolution of the Commissioners of Cambridge or by a petition containing the signatures of at least twenty (20) percent of the registered voters of the City and filed with the Commissioners of Cambridge; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't §§ 4-302(1) and 4-304, the Commissioners of Cambridge may initiate a proposed amendment or amendments to the Charter by a resolution which, except as otherwise specified in the subtitle, is ordained or passed as in the usual course of considering resolutions in the City government, by a majority of the Commissioners of Cambridge, and the same shall be subject to the right of referendum; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-206(b), municipalities may set the compensation of their municipal officers and employees; and

WHEREAS, pursuant to §§ 3-20 and 3-26 of the Charter, the Mayor and the Commissioners of Cambridge, respectively, shall each receive an annual salary as compensation for services rendered; and

WHEREAS, on January 27, 2020, the Commissioners of Cambridge voted to establish an ad hoc Compensation Advisory Committee for the purpose of making recommendations to the City Council as to the compensation to which the City's elected officials (i.e., the Mayor and the Commissioners of Cambridge) should be entitled during their terms of office; and

WHEREAS, on or about April 7, 2020, the Compensation Advisory Committee issued its Final Report and Recommendations in which it recommended, in part, that the Commissioners of Cambridge amend the Charter for the purposes of specifying that the Mayor and the Commissioners of Cambridge may receive other forms of compensation in addition to an annual salary; and

WHEREAS, the Commissioners of Cambridge are desirous of amending the Charter for the purpose of providing that the Mayor and the Commissioners of Cambridge shall each receive compensation in the form of an annual salary and may receive additional compensation as set forth from time to time by ordinance; provided, however, that no change shall be made in the compensation for the Mayor or the Commissioners of Cambridge during the term for which they were elected, and further provided that any ordinance making any change in the compensation for the Mayor and/or the Commissioners of Cambridge shall be passed prior to the municipal election to elect the next succeeding Mayor and Commissioners of Cambridge and shall only take effect as to the next succeeding Mayor and Commissioners of Cambridge; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 4-304(a)(2), a public hearing on the amendments to the Charter as set forth herein was held on July 13, 2020, notice of which was published on June 7, 2020 and June 21, 2020 in the Star Democrat, a newspaper of general circulation in the City, with the first publication occurring more than 21 days prior to the public hearing; and

WHEREAS, the Commissioners of Cambridge, to provide for the reasonable and appropriate representation of the citizens of the City and to provide for the better management and governance of the City and its affairs, deems it necessary and appropriate for the good government and citizens of the City to amend certain provisions of the Charter as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF CAMBRIDGE, that pursuant to the authority of Article XI-E of the Constitution of Maryland and § 4-301, et seq. of the Local Government Article of the Maryland Annotated Code, the Charter of the City of Cambridge (as published in Chapter 19, Volume 1 of Compilation of Municipal Charters) be, and the same is hereby, amended as follows:

SECTION 1. Section 3-20 of the Charter is hereby amended as follows:

Section 3–20. Mayor; election, compensation, veto powers.

The mayor shall be nominated in the manner set forth in Section 3-10 of this Charter and shall be elected by the voters of the entire City for a term of four (4) years, or until his or her successor takes office, and the election for mayor shall be held at the same time as the commissioners, the qualifications for the office of mayor being the same as those of the commissioners as expressed in Section 3-5 of this Charter. The mayor shall receive compensation in the form of an annual salary and may receive additional compensation as set from time to time by an ordinance passed by the commissioners in the regular course of business; provided, however, that no change shall be made in [the salary] the compensation for any mayor during the term for which he/she was elected. The ordinance making any change in the [salary paid to] compensation for the mayor, either by way of increase or decrease, shall be [finally ordained] passed prior to the municipal election to elect the next succeeding mayor, and shall take effect only as to the next succeeding mayor. In addition to the powers, hereinafter vested in him/her, said mayor shall have the power to veto any ordinances passed by the commissioners. Every ordinance passed by the commissioners, before it becomes valid, shall be presented to the mayor; if he or she approved it, he or she shall sign it, but if not, he/she shall return it with his/her objections to the commissioners. If, after reconsideration thereof, four-fifths (4/5) of the commissioners vote affirmatively for said ordinance, it shall become valid. If any ordinance shall not be returned by the mayor within six (6) days after it shall have been presented to him/her, the same shall become valid.

SECTION 2. Section 3-26 of the Charter is hereby amended as follows:

Section 3–26. Commissioners; compensation, expenses.

[(a) *Salary and compensation.* Until July 8, 1980 each of the five commissioners shall receive an annual salary of \$1,000.00 as compensation for services rendered and in addition thereto shall receive annually the sum of \$300.00 for travelling and other expenses. After July 8, 1980 the annual salary of said commissioners shall be as established pursuant to subsection (b) below and they shall each be entitled to request from budgeted items such amounts necessary for permitted expenses. Should any commissioner fail to attend more than one-thirteenth of the regularly scheduled meetings of the commissioners, then the sum of \$80.00 shall be deducted from said annual salary for each unexcused meeting not attended in excess of one-thirteenth of the regularly scheduled meetings. Absences from meetings for legitimate purposes may be excused by the remaining commissioners.

(b) *Changes.* The salaries of the commissioners shall be] The commissioners shall receive compensation in the form of an annual salary and may receive additional compensation as established from time to time by ordinance passed by the commissioners in the regular course of business[.]; provided, however, that [the salaries] no change shall be made in the compensation [specified at the time any commissioner takes office shall not be changed during the period] for any commissioner during the term for which [that commissioner] he/she was elected. The ordinance making any change in the [salaries paid to] compensation

for the [several] commissioners, either by way of increase or decrease, shall *be passed prior to the municipal election to elect the next succeeding commissioners, and shall* take effect only as to *the next succeeding* commissioners [thereafter elected].

AND BE IT FURTHER RESOLVED that, in this Resolution, unless a section of the Charter is expressly repealed in its entirety and reenacted, new or added language is underlined and in *italicized* type, and deleted text is enclosed in [bold brackets]. Language added after the date of introduction is in italicized, boldface type and text deleted after the date of introduction is crossed out twice and enclosed in bold brackets.

AND BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Resolution, it being the intent of the Commissioners of Cambridge that this Resolution shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

AND BE IT FURTHER RESOLVED that, to the extent that any section of the Charter is in conflict with the provisions of this Resolution, such section or sections be and hereby are repealed to the extent of such conflict.

AND BE IT FURTHER RESOLVED that the date of adoption of this Resolution is July 13, 2020, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after adoption, or on September 1, 2020, unless a proper petition for a referendum hereon shall be filed on or before the forty-second (42nd) day after adoption, or on August 24, 2020, as provided by law, the fortieth (40th) day after adoption being a Saturday. A complete and exact copy of this Resolution shall be posted at City Hall, 410 Academy Street, Cambridge, Maryland 21613, or another main municipal building or public place, for a period of at least forty-two (42) days following its adoption, or until August 24, 2020, and the title to this Resolution, being a fair summary of the Charter amendment enacted hereby, shall be published in a newspaper of general circulation in the City not less than four (4) times, at weekly intervals within a period of at least forty (40) days, starting immediately after the date of its adoption, or between July 14, 2020 and August 22, 2020.

AND BE IT FURTHER RESOLVED that as soon as the Charter amendment enacted by this Resolution shall become effective, either as herein provided or following a referendum, the City Manager shall send by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Commissioners of Cambridge or in a referendum; and (4) the effective date of the Charter amendment.

AND BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to carry out the provisions of the foregoing Recitals; and as evidence of compliance herewith, the City Manager shall cause to be affixed to the minutes of the Commissioners of Cambridge for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of this Charter Amendment Resolution shall have been published as provided herein; and (3) the return receipt of the mailing as provided herein.

This Charter Amendment Resolution was introduced at a public meeting of the Commissioners of Cambridge, held on the 26th day of May, 2020, and having been reviewed and considered for final action, was duly adopted on the 13th day of July, 2020.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

Victoria Jackson-Stanley, Mayor

Introduced the 26th day of May, 2020
Adopted the 13th day of July, 2020
Effective the 1st day of September, 2020