

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

CHARTER AMENDMENT RESOLUTION NO. CR-2019-01

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 THE CHARTER OF THE CITY OF CAMBRIDGE FOR THE PURPOSES OF PROVIDING THAT, SUBJECT TO SUFFICIENT APPROPRIATIONS AND WITH THE ADVICE AND CONSENT OF THE COMMISSIONERS OF CAMBRIDGE, THE CITY MANAGER MAY APPOINT AN ASSISTANT DIRECTOR OF HUMAN RESOURCES AND MAY APPOINT A FINANCE DIRECTOR AND PROVIDING THAT ALL SUBORDINATE OFFICERS AND EMPLOYEES OF THE OFFICES, DEPARTMENTS, AND AGENCIES OF THE CITY SHALL BE APPOINTED BY THE CITY MANAGER, WITH THE ADVICE AND CONSENT OF THE COMMISSIONERS OF CAMBRIDGE; PROVIDING THAT THE TITLE OF THIS CHARTER AMENDMENT RESOLUTION SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO PERSONNEL AUTHORITY 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, the Commissioners of Cambridge are desirous of amending the Charter for the purposes of providing that, subject to sufficient appropriations and with the advice and consent of the Commissioners of Cambridge, the City Manager may appoint an assistant director of human resources and may appoint a finance director and providing that all subordinate officers and employees of the offices, departments, and agencies of the City shall be appointed by the City Manager, with the advice and consent of the Commissioners of Cambridge; 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 3-39 of the Charter is hereby amended as follows:

Sec. 3-39. – City Manager.

- (a) *Creation of office.* The office of City Manager is hereby created.
- (b) *Appointment and qualifications of City Manager.* The City Manager shall be appointed by a majority vote of the City Commissioners upon recommendation of a Search Committee for a term and under conditions as may be agreed to by the City Commissioners.
 - (1) S/he shall be selected solely on the basis executive and administrative qualifications with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office hereinafter set forth.
 - (2) The minimum educational requirement for the City Manager is a Master's Degree in Public Administration, a Master's Degree in Business Administration or a post-baccalaureate degree in another closely related field. Candidates for the position shall also have a minimum of five (5) years of experience as a city/county manager or assistant city/county manager.
 - (3) If an acceptable candidate is not found meeting the requirements in (b)(2) above, the City Commissioners may consider candidates with a Master's Degree in Public Administration, a Master's Degree in Business Administration or a post-baccalaureate degree in another closely related field who also have a minimum of five (5) years experience as a department head of a significant governmental line or staff function or in a management position in a significant business or corporate entity.
 - (4) At the time of any appointment as a City Manager, the appointee need not be a resident of the city or state. Within one (1) year from his/her appointment, the City Manager shall reside within the city limits as his/her principal residence. The residence requirement for a City Manager may be delayed or waived by City Commissioners based on extenuating circumstances as may be presented to and approved by a majority vote of the City Commissioners, or as set forth in a binding employment agreement. An acting City

Manager appointed under this law shall not be required to live in the City of Cambridge as a condition of the appointment.

- (5) No Mayor or City Commissioner shall receive such appointment as City Manager or acting City Manager during the term for which the Mayor or Commissioner shall have been elected, or within one year after the expiration of the Mayor's or Commissioner's term.
- (6) The search for a City Manager shall be conducted by a Search Committee made up of five (5) individuals appointed by the City Commissioners, who shall be appointed within thirty (30) days of the enactment of this legislation and thereafter within thirty (30) days of the City Manager position becoming vacant. The Mayor shall chair and be a voting member of the Search Committee. The Search Committee may obtain additional assistance and resources in the search process upon a majority vote of the City Commissioners. The individuals appointed by the City Commissioners as members of the Search Committee shall be residents of the city or of Dorchester County, or be owners of businesses located in the city, or be persons who live elsewhere but have a second home in the city or Dorchester County who possess considerable expertise related to the search process.

(c) Removal from office.

- (1) The City Manager shall hold office subject to the vote to remove him or her by four (4) of the six (6) elected officials of the city - the Mayor and the City Commissioners as a body - which vote shall be made at an official meeting of the City Commissioners duly called and advertised. The final resolution of removal may be made effective immediately, or at any time after five (5) days from the date on which a copy of the preliminary resolution required in subsection (c)(2) below is delivered to the City Manager, subject to the right of the City Manager to a hearing as set forth in subsection (c)(3) herein below.
- (2) To institute the removal process, the City Commissioners must adopt by the affirmative vote of a majority of its members, a preliminary resolution that sets forth in detail the reasons for removal. A copy of the resolution shall be delivered promptly to the City Manager and the Mayor.
- (3) The City Manager shall have the right to a private or a public hearing on the removal resolution, which right must be exercised by him/her making written request for same to the Mayor and City Commissioners as a body, within five (5) days of receipt of said resolution. This hearing shall be held at a meeting of the Mayor and City Commissioners as a body not sooner than fifteen (15) days, nor later than, thirty (30) days after the request is filed. The City Manager may also file with the City Commissioners[,] a written reply not later than five (5) days before any scheduled hearing.
- (4) Nothing herein shall prevent the City Manager from accepting the proposed removal or termination of his/her contract without a hearing.

- (5) If the City Manager requests a hearing pursuant to subsection (c)(3) hereinabove, the City Commissioners may, by majority vote, suspend with pay the City Manager from duty pending the outcome of the removal hearing and consistent with the terms of the City Manager's employment agreement.
- (6) The suspension or removal of the City Manager shall not be subject to any administrative appeal that is afforded to classified employees of the city.
- (7) If a City Manager becomes disabled, is temporarily absent from the city for a length of time that may interfere with the efficient running of the city, is suspended, removed, or resigns, or completes his or her term as may be agreed to in his or her contract of employment and is not reappointed, or prior to the appointment of the first City Manager under this Charter, the City Commissioners may appoint an acting City Manager. Any acting City Manager shall hold office for a period of time not to exceed six (6) months, subject to the affirmative vote by a majority of the Mayor and City Commissioners, with the Mayor having a vote, to remove the acting City Manager or to extend his/her term. No notice of removal or hearing as allowed for a City Manager under subsection (c)(1)(2) and (3) above is required for removing an acting City Manager. If an acting City Manager is removed, the City Commissioners may appoint his or her replacement. An acting City Manager shall possess the qualifications set forth in subsections (b)(1), and (b)(2) or (b)(3) above.
- (d) *Powers and duties of the City Manager.* The City Manager shall be the chief executive officer of the city and head of the administrative branch of the city, and may head one or more departments, and shall be responsible to the Mayor and City Commissioners as a body, for the proper administration of all affairs of the city. S/he shall serve as the chief personnel officer for the city, which shall include all matters regarding human resources. Subject to sufficient appropriations and with the advice and consent of the City Commissioners, the City Manager may appoint an assistant director of human resources to assist him or her in these responsibilities and may appoint a finance director. To these ends the City Manager shall have the power and shall be required to:
- (1) With the exception of the City Attorney, who shall be appointed, suspended, or removed, directly by the Mayor and City Commissioners as a body, appoint and, when necessary for the good of the city, suspend or remove any department head with the advice and consent of the City Commissioners. The City Manager may hire, suspend or remove any classified employee pursuant to the city's adopted merit system, or may authorize any department head to exercise these powers with respect to subordinates within that department head's department, with the prior approval of the City Manager.
- (2) With the exception of the City Attorney and his/her office, direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law; create, consolidate, separate, or combine offices, positions, departments, or units under his/her jurisdiction, with the approval of the City Commissioners. Notwithstanding the exclusion of the City Attorney from supervision and oversight by the City Manager, the City Attorney shall closely coordinate his/her

activities with the City Manager, respond to reasonable requests of the City Manager, and keep the City Manager apprised of and discuss with him/her city priorities, status of assignments, litigation, special needs, and issues of importance to the city that fall under the duties and responsibilities of the City Attorney.

- (3) Be the chief financial officer of the city and:
 - (i) Ensure that all public moneys belonging to or under the control of the city, except as otherwise provided herein, are properly accounted for;
 - (ii) Certify all financial reports developed for the Mayor and City Commissioners as a body and have custody of all bonds and notes of the city;
 - (iii) Review all reports of a finance director regarding the collection of taxes, special assessments, license fees, liens, and all other revenues (excluding utility revenues) of the city, and all other revenues for whose collection the city is responsible;
 - (iv) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded;
 - (v) With the assistance of a finance director, prepare the city budget and capital program annually and submit them to the Mayor and City Commissioners as a body with a message describing the important features and be responsible after adoption for the administration and implementation of the final budget and any capital program approved by City Commissioners to achieve the goals of the city;
 - (vi) On a regular and ongoing basis, keep the Mayor and City Commissioners as a body advised of the financial condition and future needs of the city, and make such recommendations as may be deemed desirable;
 - (vii) Recommend to the Mayor and City Commissioners as a body from time to time, a standard schedule of pay for each appointed office and position in the city service, including minimum, intermediate, and maximum rates;
- (4) Recommend to the Mayor and City Commissioners as a body from time to time, adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;
- (5) Attend all meetings of the City Commissioners unless excused[,] and take part in the discussion of all matters coming before the City Commissioners. The City Manager shall be entitled to notice of all regular and special meetings of the City Commissioners;
- (6) Supervise the city procurement process including purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the city services; and report said actions on an ongoing basis to the Mayor and City Commissioners as a body pursuant to subsection (d)(3)(vi) above.

Nothing herein is to be construed as limiting the City Commissioners from establishing by resolution reasonable and customary upper limits beyond which the City Manager must obtain approval for said purchase and contracts;

- (7) See that all laws, provisions of this charter and acts of the City Commissioners, subject to enforcement by the City Manager or by officers subject to the manager's direction and supervision, including contract employees, are faithfully executed and duly enforced;
- (8) Investigate the affairs of the city or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits, and privileges granted by the city are faithfully observed;
- (9) Devote his/her entire time to the discharge of all official duties;
- (10) In collaboration with any finance director, submit to the Mayor and City Commissioners as a body and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year. Included in the report shall be the accomplishments of the various agencies and the city;
- (11) Make such other reports as the Mayor and City Commissioners as a body may require concerning operations;
- (12) Make recommendations to the Mayor and City Commissioners as a body concerning the affairs of the city and facilitate the work of the Mayor and City Commissioners as a body in developing policy;
- (13) Provide staff support services for the Mayor and City Commissioners as a body;
- (14) Assist the Mayor and City Commissioners as a body in the development of long-term goals for the city and strategies to implement those goals;
- (15) Encourage and provide staff support for regional and intergovernmental cooperation;
- (16) Promote partnerships among the Mayor, City Commissioners, staff, and citizens in developing public policy and building a sense of community;
- (17) Assure that a record of all the proceedings of the City Commissioners is kept in the minute book as they occur. S/he shall, within six (6) days after an ordinance has been passed, record the same fully and at length in the ordinance book, and shall duly and promptly record and enter in the general record books all papers, documents, contracts and orders which the Charter or the ordinances or the directions of the City Commissioners require to be recorded therein. S/he may appoint one or more staff persons as city clerk/deputy clerk under his/her direction and authority to perform these duties, with the advice and consent of the City Commissioners;

- (18) Be the public information official for the city, except for matters involving the Cambridge Police Department. With regard to any matters involving the police department, the chief of police shall designate the spokesperson for the department. The police department shall cooperate and coordinate with the City Manager regarding information being provided to the public by the department;
 - (19) Hold regular meetings with the department heads;
 - (20) Serve as the supervisor of elections for the city;
 - (21) Perform such other duties as are specified in this charter and may be required by the Mayor and City Commissioners as a body, not inconsistent with the city charter, law, or ordinances.
- (e) *Non-interference with appointments or removals.* Except for the purpose of inquiry, the Mayor and City Commissioners shall deal with the administration of the city solely through the City Manager and neither the Mayor, nor any city commissioner, shall give orders to any subordinates of the City Manager, either publicly or privately.
- (f) *Emergencies.* In the event an emergency is declared by the Mayor pursuant to section 3-21(b) of this Charter, the City Manager may award contracts and make purchases for the purpose of meeting said emergency, subject to appropriations not to exceed an amount established by a resolution of the City Commissioners. In so doing, the City Manager shall meet during the period of the emergency on a regular and ongoing basis as needed with the Mayor and City Commissioners and collaborate with them in addressing the challenges that present themselves during the emergency. The City Manager shall also file promptly after the emergency ends with the Mayor and City Commissioners as a body, a certificate showing an itemized account of all expenditures during the emergency.
- (g) *Bond.* The City Manager shall furnish a surety bond to be approved by the City Commissioners, said bond to be conditioned on the faithful performance of all the duties of the City Manager. The premium of the bond shall be paid by the city.
- (h) *Compensation.* The City Manager shall receive such compensation as the City Commissioners shall fix pursuant to the terms of any contract of employment entered into between the city and the City Manager as provided for in a formal employment agreement. The City Manager's compensation shall not be reduced unless such a contingency is included in any formal employment agreement and all city employees' compensation is reduced. Any reduction will be covered by the terms of the formal employment agreement.
- (i) *Personnel duties.*
- (1) All subordinate officers and employees of the offices, departments, and agencies of the city shall be appointed by the City Manager, with the advice and consent of the City Commissioners. Subject to the provisions of any adopted merit system, all subordinate

officers and employees may be removed by the City Manager, or by the department head with the prior approval of the City Manager.

- (2) Pending any changes pursuant to paragraph (3) below, the city employee manual and personnel policies in effect on the date of enactment of this Charter Amendment shall remain in full force and effect.
 - (3) Upon the hiring of a City Manager and periodically thereafter as may be needed, one of his/her duties shall be a review of the City of Cambridge Personnel Policies, which shall include convening the Cambridge Personnel Review Committee to assist in determining if any changes in the city's personnel policies need to be made, and, if so, to make recommended changes for the City Commissioners to consider.
- (j) *Savings clause.* If any section, subsection, or sentence, clause, or phrase of this Charter is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this Charter. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this Charter in which case the provisions of this Charter shall govern.
- (k) *Effective date.* The effective date of this Charter Amendment Resolution shall be February 3, 2015.

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 _____, 2019, and the Charter amendment enacted by this Resolution shall become effective upon the fiftieth (50th) day after adoption, or on _____, 2019, unless a proper petition for a referendum hereon shall be filed on or before the fortieth (40th) day after adoption, or on _____, 2019, as provided by law. 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 (40) days following its adoption, or until _____, 2019, 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 _____, 2019 and _____, 2019.

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 __ day of _____, 2019, and having been reviewed and considered for final action, was duly adopted on the __ day of _____, 2019.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

Victoria Jackson-Stanley, Mayor