

RESOLUTION NO. CA-1-10

RESOLUTION OF THE MAYOR AND CITY COUNCIL TO
AMEND SECTION 11 OF THE CITY CHARTER ENTITLED
“ORDINANCES—PROCEDURES FOR ADOPTION; VETO
POWER OF MAYOR; EFFECTIVE DATE; EMERGENCY
ORDINANCES; PUBLICATION OF NOTICE OF ADOPTION;
CERTAIN ACTIONS TO BE BY ORDINANCE ONLY” TO
ESTABLISH PUBLICATION REQUIREMENTS FOR
ORDINANCE ADOPTIONS BY RESOLUTION

WHEREAS, Section 11 of the Charter of the City of Gaithersburg establishes requirements for publication of notice of the hearing and summary of the proposed changes for all City Ordinances; and

WHEREAS, the City has determined that an effective and efficient means of publishing public notice of such hearings and proposed ordinance changes is by electronic means and posting; and

WHEREAS, the amendment of Section 11 of the Charter of the City of Gaithersburg was duly considered by the Mayor and City Council at a public hearing held on May 17, 2010.

NOW, THEREFORE, BE IT RESOLVED, that Section 11 of the City Charter is hereby amended as follows:

Section 1 – That Section 11 of the Charter of the City of Gaithersburg be, and the same is, repealed and reenacted with amendments as follows:

Sec. 11. Ordinances--Procedure for adoption; veto power of mayor; effective date; emergency ordinances; publication of notice of adoption; certain actions to be by ordinance only.

The procedure for the adoption of ordinances by the council shall be as follows:

(a) A proposed ordinance may be introduced by a majority of the members of the council present and voting. Each proposed ordinance shall be the subject of a public hearing. Notice of the hearing and a summary of the substance of the proposed ordinance shall be published ~~in one or more newspapers of general circulation in the city~~ at least once, not less than ten days prior to the hearing.

(b) Each ordinance adopted by the council shall within three days after adoption, be delivered by the city manager to the mayor for his approval or veto. If the mayor approves any ordinance, he may sign it. If he vetoes any ordinance, he shall deliver to each member of the council, within seven days after delivery of such ordinance to him, a statement of his reason for the veto of the ordinance.

If the mayor shall neither approve an ordinance nor veto it within the time required herein, such ordinance shall be deemed to have been approved by the mayor on the seventh day following delivery of such ordinance to the mayor. An ordinance vetoed by the mayor shall not become effective unless subsequently passed by a favorable vote of four councilmen within thirty-five days after the date of delivery of such statement of disapproval. No further hearing shall be required with reference to such ordinance.

(c) An ordinance shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto unless such ordinance shall have been designated as an emergency ordinance by the council, in which event it shall become effective on the date of approval by the mayor or the date of passage of such ordinance by the council over his veto.

(d) A notice of the adoption of and a summary of each ordinance which shall hereafter become effective pursuant to the terms of this section 11 shall be published at least once in a newspaper or newspapers of general circulation in the city, within eleven days after the date of approval by the mayor or the date of passage by the council over his veto.

(e) The following actions may be taken by the council only by ordinance, as that word is used in sections 9, 11, 12 and 13 of this Charter:

(1) Adoption of the budget and fixing of the ad valorem tax rate.

(2) Adoption of any regulation which authorizes a fine, a jail sentence or other penalty or which authorizes relief by way of injunction or other equitable relief.

(3) Any action which is required by this Charter, or any applicable statute or Constitution to be done by ordinance.

Section 2 – BE IT FURTHER RESOLVED that the date of the adoption of this resolution is June 7, 2010, and that the amendment to the Charter of the City of Gaithersburg, as herein adopted, shall be and become effective on July 27, 2010, unless on or before said date a proper petition for referendum of this resolution shall be filed as permitted by law.

Section 3 – BE IT FURTHER RESOLVED that a complete and exact copy of this resolution shall be posted at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877, until July 22, 2010, and a fair summary of the proposed Charter amendment contained in this resolution shall be published in a newspaper of general circulation in the City of Gaithersburg not fewer than four (4) times at weekly intervals before July 22, 2010.

Section 4 – AND BE IT FURTHER RESOLVED that as soon as the Charter amendment hereby enacted shall become effective, either as herein provided or following a referendum, the City shall send or cause to be sent to the Department of Legislative Reference the following information concerning this Charter resolution: (1) the complete text of this resolution; (2) the date of enactment of the Charter amendment; (3) the date of the referendum election, if any; (4) the number of votes cast for or against this resolution whether by the City Council or in a referendum; and (5) the effective date of the Charter amendment contained herein.

ADOPTED by the City Council this 7th day of June, 2010.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in a public meeting assembled on the 7th day of June, 2010. This Resolution will become effective on the 27th day of July, 2010.

Angel L. Jones, City Manager