

RESOLUTION NO. CA-2-10

RESOLUTION OF THE MAYOR AND CITY COUNCIL TO  
AMEND SECTION 41 OF THE CITY CHARTER ENTITLED  
“SAME—PUBLIC HEARING; CHANGES; VOTE REQUIRED  
FOR ADOPTION” TO ESTABLISH PUBLICATION  
REQUIREMENTS FOR BUDGET ADOPTIONS BY  
RESOLUTION

WHEREAS, Section 41 of the Charter of the City of Gaithersburg establishes requirements for publication of notice of public hearing prior to adoption of the budget; and

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

WHEREAS, the amendment of Section 41 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 41 of the City Charter is hereby amended as follows:

Section 1 – That Section 41 of the Charter of the City of Gaithersburg be, and the same is, repealed and reenacted with amendments as follows:

Sec. 41. SAME--PUBLIC HEARING; CHANGES; VOTE REQUIRED FOR ADOPTION.

Before adopting the budget, the council shall hold a public hearing thereon after publication of fifteen days' notice thereof ~~in some newspaper or newspapers of general circulation within the city.~~ The council may insert new items or may increase or decrease the items of the budget. Where the council shall increase the total proposed expenditures, it shall also levy taxes which shall be sufficient, with other anticipated revenues, to equal such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of a majority of the councilmen present and voting shall be necessary for adoption.

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 7<sup>th</sup> day of June, 2010.

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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  
7<sup>th</sup> day of June, 2010. This Resolution will  
become effective on the 27<sup>th</sup> day of July, 2010.

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Angel L. Jones, City Manager