

THE EFFECTIVE DATE OF THIS RESOLUTION IS JULY 17, 2018

RESOLUTION NO. 18-19

RE: Charter Amendment - Legislative Process - Expedited Legislation

The Frederick County Charter, Section 701, provides that the Charter may be amended by the procedures provided in Article XI-A of the Maryland Constitution.

Article XI-A, §5 of the Maryland Constitution provides, in relevant part, that amendments to any charter adopted by any County may be proposed by a Resolution of the County Council.

Article XI-A, §5 of the Maryland Constitution provides that a Charter Amendment shall be published by the President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in the County.

Article XI-A, §5 of the Maryland Constitution provides that an amendment so proposed shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of the resolution.

Article XI-A, §5 of the Maryland Constitution provides that if at the election the majority of the votes cast for and against the amendment shall be in favor thereof, the amendment shall be adopted and become a part of the charter of the County from and after the thirtieth day after the election.

The Frederick County Charter, Article 3, Legislative Process, currently does not include a provision for expedited legislation.

Specifically, Section 307 and Subsection 308(d) state:

307. Effective Date of Laws

The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws shall take

effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

308. Referendum

(d) Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, may not take effect until thirty days after approval by a majority of voters.

The Council has identified that an expedited legislative process would be beneficial in certain situations and in the public interest.

In accordance with Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, this Resolution proposes adding provisions for expedited legislation.

The County Council, therefore, adopts this Resolution to amend Section 307 and Subsection 308(d) of the County Charter to read:

307. Effective Date of Laws

(a) The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws, except for expedited legislation, shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

(b) Expedited legislation is legislation containing a section declaring that it is necessary for the immediate protection of the public health, safety, or welfare and has the same meaning as “emergency legislation” in Article XI-A, Section 3 of the Maryland Constitution.

(c) Expedited legislation shall take effect on the date it is enacted unless a different date is prescribed in the legislation.

308. Referendum

(d) Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, other than expedited legislation, may not take effect until thirty days after

approval by a majority of voters. Expedited legislation shall remain in effect from the date it becomes law notwithstanding the filing of a petition for referendum, but shall be repealed thirty days after its rejection by a majority of the registered voters voting on the question.

The County Council held a duly advertised public hearing on this proposed Charter Amendment on June 19, 2018. The public had an opportunity to comment on the proposed Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the County Council of Frederick County that the following amendment to the Frederick County Charter, Article 3, Legislative Process, shall be submitted to the voters of the County at the next general or congressional election in accordance with Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution:

307. Effective Date of Laws

(a) The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws, except for expedited legislation, shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

(b) Expedited legislation is legislation containing a section declaring that it is necessary for the immediate protection of the public health, safety, or welfare and has the same meaning as “emergency legislation” in Article XI-A, Section 3 of the Maryland Constitution.

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308. Referendum

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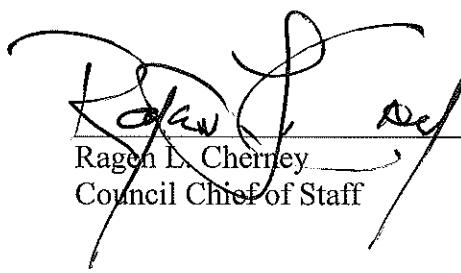
effect from the date it becomes law notwithstanding the filing of a petition for referendum, but shall be repealed thirty days after its rejection by a majority of the registered voters voting on the question.

AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, the amendments shall be published by the President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in the County;

AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, this proposed Charter Amendment shall be submitted to the voters of the County at the next general or congressional election occurring after the passage of this Resolution.

The undersigned hereby certifies that this Resolution was approved and adopted on the 17th day of July, 2018.

ATTEST:

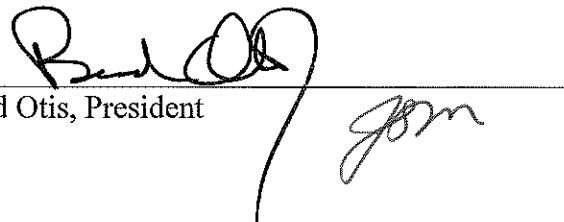


Ragen L. Cherney
Council Chief of Staff

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

By:

Bud Otis, President



Bud Otis, President