

THE EFFECTIVE DATE OF THIS RESOLUTION IS July 19, _____, 2016

RESOLUTION NO. 16-16

RE: Charter Amendment - Revising Subsection 305(e)
Notice for Hearings on Bill Amendments

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 currently requires that a Bill Amendment that constitutes a change of substance must satisfy the public hearing, notice and publication requirements for a new Bill. §305. This requires two weeks newspaper notice. Generally, this means at least a three week delay in the process.

Specifically, Subsection 305(e) states:

305. Enactment of Legislation

(e) After a public hearing, the Council may enact a Bill into law, with or without amendment, by an affirmative vote of at least four council members. In the event a Bill is amended before enactment, and the amendment or amendments constitute a change of substance, the Bill, as amended, may not be enacted into law until the Bill meets the public hearing, notice, and publication requirements of a newly introduced Bill.

This publication requirement for a change of substance makes a Bill Amendment very cumbersome and unwieldy for the Council, particularly considering that the Council has only ninety days to enact a Bill. Charter Subsection 305(f).

Newspaper notice is becoming an anachronism and notice through posting on the County website may be more effective to notify the public. Notice of four days posted on the County website provides sufficient notice of Bill Amendments particularly considering that newspaper notice would have been provided already for the initial Bill hearing. A public hearing would continue to be provided for the Bill Amendment.

The County Council, therefore, adopts this Resolution proposing to amend Subsection 305(e) of the County Charter to read:

305. **Enactment of Legislation**

(e) After a public hearing, the Council may enact a Bill into law, with or without amendment, by an affirmative vote of at least four council members. In the event a Bill is amended before enactment, and the amendment or amendments constitute a change of substance, the Bill, as amended, may not be enacted into law until [the Bill meets the public hearing, notice, and publication requirements of a newly introduced Bill.] a public hearing is held on the amendment and a fair summary of the amendment and the date, time and place of a public hearing are posted on the County website at least four days in advance of this public hearing.

Underlining indicates matter to be added to the Charter.

[Single boldface brackets] indicate matter to be deleted from the Charter.

The County Council held a duly advertised public hearing on this proposed Resolution on July 5, 2016. 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 proposed amendment to the Frederick County Charter 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:

305. Enactment of Legislation


(e) After a public hearing, the Council may enact a Bill into law, with or without amendment, by an affirmative vote of at least four council members. In the event a Bill is amended before enactment, and the amendment or amendments constitute a change of substance, the Bill, as amended, may not be enacted into law until [the Bill meets the public hearing, notice, and publication requirements of a newly introduced Bill.] a public hearing is held on the amendment and a fair summary of the amendment and the date, time and place of a public hearing are posted on the County website at least four days in advance of this public hearing.

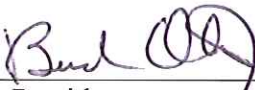
AND BE IT HEREBY FURTHER RESOLVED by the County Council of Frederick County, that pursuant to Section 701 of the Frederick County Charter and Article XI-A, §5 of the Maryland Constitution, the amendment shall be published by the President of the County Council once a week for five successive weeks prior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

The undersigned hereby certifies that this Resolution was approved and adopted on the 19th day of July, 2016.

ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND


Ragen L. Cherney
Council Chief of Staff

By: 
Bud Otis, President 